

JOURNAL  
OF  
THE SENATE  
OF THE  
STATE OF ALABAMA.  
SESSION OF 1907.

HELD IN THE CITY OF MONTGOMERY,  
COMMENCING

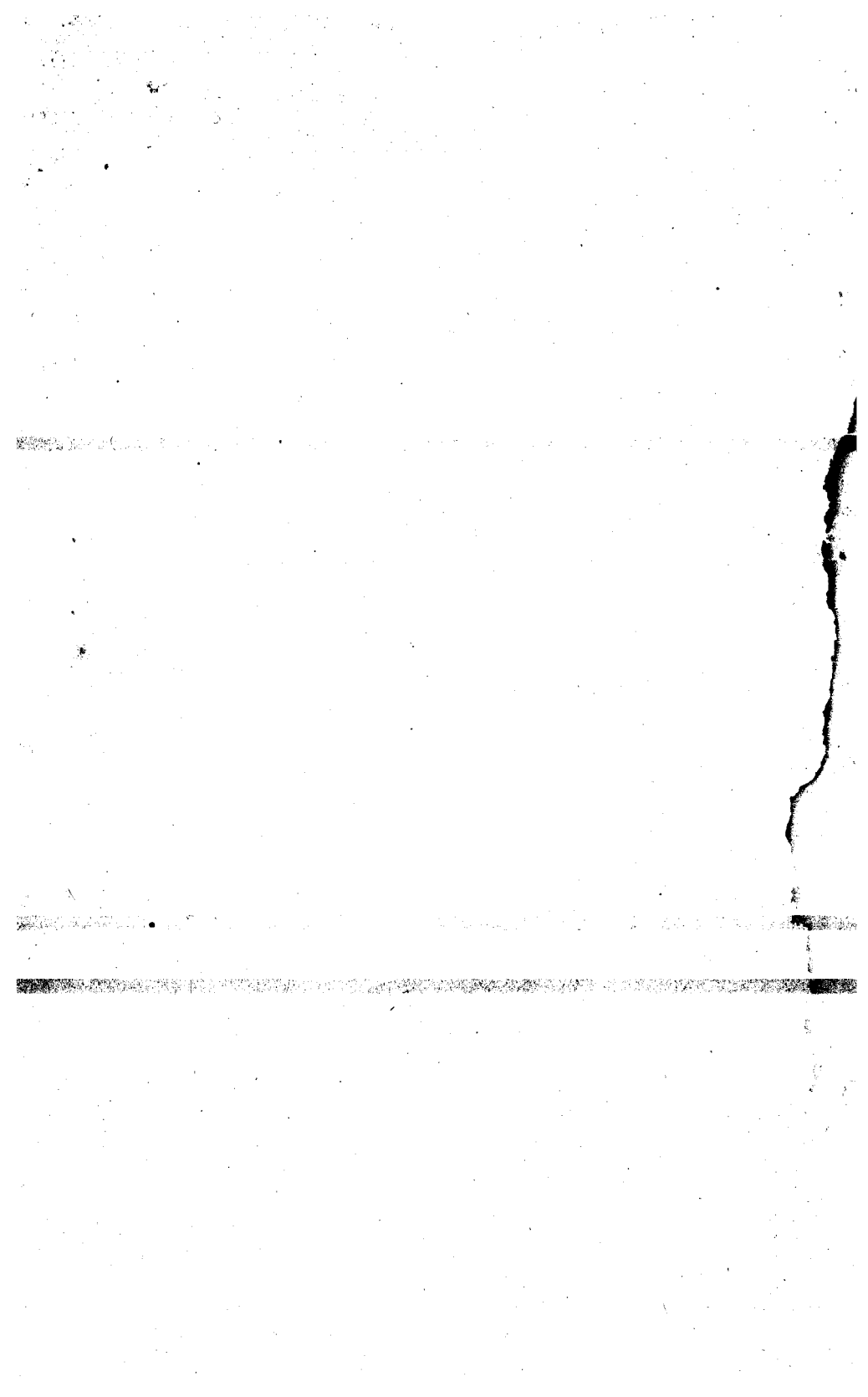
TUESDAY, JANUARY 8, 1907.

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WITH AN INDEX PREPARED BY  
THE SECRETARY OF THE SENATE.



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This being the Tuesday after the second Monday in January, A. D., 1907, and the day fixed by law, and the Constitution for the quadrennial meeting of the Legislature of the State of Alabama.

The Senate assembled in the Senate chamber at 12 o'clock m., and was called to order by Lieutenant Governor, Russell M. Cunningham, President of the Senate.

Prayer by Rev. Dr. Crumpton of the city.

J. A. Kyle, assistant Secretary, was present and acted as Secretary according to law.

ROLL CALL.

The roll of the Senate being called the following Senators answered to their names:

First District—Lauderdale and Limestone: Wm. N. Hayes, of Mooresville.

Second District—Lawrence and Morgan: W. T. Lowe, of Decatur.

Third District—Blount, Cullman and Winston: John F. Wilson, of Oneonta.

Fourth District—Madison: Robert Elias Spragins, of Huntsville.

Fifth District—Jackson and Marshall: J. A. Lusk, of Guntersville.

Sixth District—Etowah and St. Clair: Ed. D. Hamner, of Attalla.

Seventh District—Calhoun: Frederick Leonard Blackmon, of Anniston.

Eight District—Talladega: J. W. Heacock, of Talladega.

Ninth District—Chambers and Randolph: J. W. Overton, of Wedowee.

Tenth District—Elmore and Tallapoosa: J. W. Strother, of Dadeville.

Eleventh District—Tuscaloosa: F. S. Moody, of Tuscaloosa.

Twelfth District—Fayette, Lamar, and Walker: M. L. Leath, of Jasper.

Thirteenth District—Jefferson: N. L. Miller, of Birmingham.

Fourteenth District—Pickens and Sumter: G. B. Wimberly, of Reform.

Fifteenth District—Autauga, Chilton and Shelby: H. S. Doster, of Prattville.

Sixteenth District—Lowndes: Evans Hinson, of Hayneville.

Seventeenth District—Butler, Conecuh and Covington—C. E. Reid, of Andalusia.

Eighteenth District—Bibb and Perry: H. E. Reynolds, of Centerville.

Nineteenth District—Choctaw, Clarke and Washington: Norman Gunn, of Thomasville.

Twentieth District—Marengo: J. J. King, of Consul.

Twenty-first District—Baldwin, Escambia, and Monroe: O. O. Bayles, of Monroeville.

Twenty-second District—Wilcox: William Clarence Jones of Camden.

Twenty-third District—Dale and Geneva: P. B. Davis, of Chancellor.

Twenty-fourth District—Barbour: Elias Perry Thomas, of Clayton.

Twenty-fifth District—Coffee, Crenshaw and Pike: Lucian Gardner, of Troy.

Twenty-sixth District—Bullock and Macon: H. P. Merritt, of Tuskegee.

Twenty-seventh District—Lee and Russell: E. H. Glenn, of Seale.

Twenty-eighth District—Montgomery: C. B. Teasley, of Montgomery.

Twenty-ninth District—Cherokee and DeKalb: W. W. Barbour, of Fort Payne.

Thirtieth District—Dallas: H. F. Reese, of Selma.

Thirty-first District—Colbert, Franklin and Marion: G. T. McWhorter, of Riverton.

Thirty-Second District—Greene and Hale: Amos Horton, of Pleasant Ridge.

Thirty-third District—Mobile: Max Hamburger, of Mobile.

Thirty-fourth District—Cleburne, Clay and Coosa—D. M. White, of Goodwater.

Mr. B. A. Forrester, the Senator from 35th district absent.

#### OATH OF OFFICE.

Upon request of the President the Senators elect came forward, presented their credentials, and the President administered to them the oath of office prescribed by the Constitution of the State, and upon motion of Mr. Lusk, each Senator came forward and subscribed his name to said oath as follows:

"I solemnly swear that I will support the Constitution of the United States, and the Constitution of the State of Alabama, so long as I remain a citizen thereof; and that I will faithfully and honestly discharge the duties of the office upon which I am about to enter, to the best of my ability, so help me God."

Wm. N. Hays,  
W. T. Lowe,  
John F. Wilson,  
Robert E. Spragins,  
John A. Lusk,  
Ed. D. Hamner,  
Fred. L. Blackmon,  
Jno. W. Heacock,  
Jno. W. Overton,

Jas. W. Strother,  
 M. L. Leith,  
 Nathan L. Miller,  
 G. B. Wimberly,  
 H. S. Doster,  
 Evans Hinson,  
 Clive E. Reid,  
 H. E. Reynolds,  
 Normann Gunn,  
 J. J. King,  
 Oscar O. Bayles,  
 W. C. Jones,  
 P. B. Davis,  
 E. P. Thomas,  
 L. D. Gardner,  
 H. P. Merritt,  
 E. H. Glenn,  
 Chas. B. Teasley,  
 W. Wallace Barber,  
 Henry Fontaine Reese,  
 George T. McWhorter,  
 Amos Horton,  
 Max Hamburger, Jr.,  
 D. M. White,  
 Frank S. Moody,

Mr. B. A. Forrester, the Senator from the thirty-fifth district composed of the counties of Houston and Henry, was not present.

President then declared the Senate duly in session and ready for the transaction of such business as may be brought before it.

#### ADJOURNMENT.

On motion of Mr. Lusk, at 12:30 p. m., the Senate adjourned until 12 o'clock m., tomorrow.

## SECOND DAY.

Wednesday, January 9, 1907.

Senate met pursuant to adjournment.

Prayer by Rev. Mr. Avery, of the House of Representatives.

## ROLL CALL.

Present :—

Messrs :—

President	Gunn	Leath	Reid
Barbour	Hamburger	Lowe	Reynolds
Bayles	Hamner	Lusk	Spragins
Blackman	Hays	Merritt	Strother
Davis	Heacock	Miller	Teasley
Doster	Hinson	Moody	Thomas
Forrester	Horton	McWhorter	White
Gardner	Jones	Overton	Wilson
Glenn	King	Reese	Wimberly

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## JOURNAL.

On motion of Mr. Lusk the reading of the Journal of yesterday was dispensed with and the same was approved.

## ELECTION OF OFFICERS.

The President announced the next order of business was the election of officers as follows: President, pro tem, Secretary, Assistant Secretary, Engrossing and Enrolling Clerk, Comparing Clerk, Doorkeeper, Assistant Doorkeeper and Doorkeeper of the gallery. The Senate then went into the election of the officers above named.

## ELECTION OF PRESIDENT PROTEM.

Mr. Blackmon placed in nomination for President pro tem of the Senate, Hon. E. Perry Thomas, of Barbour.

Those who voted for Mr. Thomas are:

Messrs:—

Barbour	Hamner	Lowe	Reid
Bayles	Hays	Lusk	Reynolds
Blackman	Heacock	Merritt	Spragins
Doster	Hinson	Miller	Strother
Gardner	Horton	Moody	Teasley
Glenn	Jones	McWhorter	White
Gunn	King	Overton	Wilson
Hamburger	Leath	Reese	Wimberly

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Mr. Thomas having received the entire vote cast, being a majority of the Senate, he was declared duly and Constitutionally elected President protem of the Senate for the term prescribed by law.

On motion of Mr. Hinson the President appointed a committee of three consisting of Messrs. Hinson, Lusk and Reese, to notify Mr. Thomas of his election.

The committee conducted Mr. Thomas to the chair and he was introduced to the Senate by the President and the oath of office was administered to him by the President of the Senate.

#### ELECTION OF SECRETARY.

Mr. Reese placed in nomination for Secretary of the Senate, Jas. A. Kyle, of Jackson.

Those who voted for Mr. Kyle are:

Messrs:—

Barbour	Hamner	Lusk	Reynolds
Bayles	Heacock	Merritt	Spragins
Blackman	Hinson	Miller	Strother
Davis	Horton	Moody	Teasley
Doster	Jones	McWhorter	Thomas
Gardner	King	Overton	White
Glenn	Leath	Reese	Wilson
Gunn	Lowe	Reid	Wimberly
Hamburger			

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Mr. Kyle having received all of the votes cast, being a majority of the Senate, he was declared duly elected Secretary of the Senate for the time prescribed by law.

#### ELECTION OF ASSISTANT SECRETARY.

Mr. Teasley placed in nomination for assistant Secretary of the Senate, Wm. J. Conniff, of Montgomery.

Those who voted for Mr. Conniff are:

Messrs:—

Barbour	Hays	Lusk	Reynolds
Bayles	Heacock	Merritt	Spragins
Blackman	Hinson	Miller	Strother
Doster	Horton	Moody	Teasley
Gardner	Jones	McWhorter	Thomas
Gunn	King	Overton	White
Hamburger	Leath	Reese	Wilson
Hamner	Lowe	Reid	Wimberly

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Mr. Conniff having received all the votes cast, being a majority of the Senate, was declared duly elected assistant Secretary of the Senate, for the time prescribed by law.

#### ELECTION OF ENGROSSING AND ENROLLING CLERK.

Mr. Teasley placed in nomination for Engrossing and Enrolling Clerk, of the Senate Mrs. M. V. Gessner, of Montgomery.

Those who voted for Mrs. Gessner are:

Messrs:—

Barbour	Hays	Merritt	Reynolds
Bayles	Heacock	Miller	Spragins
Blackman	Horton	Moody	Strother
Gardner	Jones	McWhorter	Thomas
Glenn	King	Overton	White
Gunn	Lowe	Reese	Wilson
Hamburger	Lusk	Reid	Wimberly
Hamner			

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Mrs. Gessner having received all the votes cast, being a majority of the Senate, was declared duly elected Enrolling and Enrolling Clerk of the Senate for the time prescribed by law.

#### ELECTION OF COMPARING CLERK.

Mr. Gunn, placed in nomination for Comparing Clerk of the Senate Laura J. Alley, of Montgomery.

Those who voted for Mrs. Alley are:

Messrs:—

Barbour	Hamner	Lusk	Reynolds
Bayles	Hays	Merritt	Spragins
Blackman	Heacock	Miller	Strother
Doster	Hinson	Moody	Teasley
Gardner	Horton	McWhorter	White
Glenn	Jones	Overton	Wilson
Gunn	King	Reese	Wimberly
Hamburger	Lowe		

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Mrs. Alley having received all the votes cast, being a majority of the Senate, was declared duly elected Comparing Clerk of the Senate for the time prescribed by law.

#### ELECTION OF DOORKEEPER.

Mr. Bayles placed in nomination for Doorkeeper of the Senate W. B. Kemp, of Monroe.

Those who voted for Mr. Kemp are:

Messrs:—

Barbour	Hamburger	Lusk	Reynolds
Bayles	Hamner	Merritt	Spragins
Blackman	Hays	Miller	Strother
Davis	Heacock	Moody	Teasley
Doster	Horton	McWhorter	White
Gardner	Jones	Overton	Wilson
Glenn	King	Reese	Wimberly
Gunn	Lowe	Reid	

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Mr. Kemp having received all the votes cast, being a majority of the Senate, was declared duly and Constitutionally elected Doorkeeper of the Senate for the time prescribed by law.

#### ELECTION OF ASSISTANT DOORKEEPER.

Mr. Teasley placed in nomination for assistant Doorkeeper of the Senate Wm. H. Maybin, of Montgomery. Those who voted for Mr. Maybin are:

Messrs:—

Barbour	Hamburger	Lowe	Reynolds
Bayles	Hamner	Lusk	Spragins
Blackman	Hays	Merritt	Strother
Davis	Heacock	Miller	Teasley
Doster	Hinson	Moody	Thomas
Gardner	Horton	Overton	White
Glenn	Jones	Reese	Wilson
Gunn	King	Reid	Wimberly

—32

Mr. Maybin having received all the votes cast, being a majority of the Senate, was declared to be duly and Constitutionally elected Assistant Doorkeeper of the Senate for the time prescribed by law.

#### ELECTION OF DOORKEEPER OF THE GALLERY.

Mr. Gardner placed in nomination for Doorkeeper of the gallery J. T. Watkins, of Barbour.

Those who voted for Mr. Watkins are:

Messrs:—

Barbour	Hamner	Lusk	Reid
Bayles	Hays	Merritt	Reynolds
Blackman	Heacock	Miller	Spragins
Davis	Hinson	Moody	Strother
Doster	Horton	McWhorter	White
Gardner	Jones	Overton	Wilson
Glenn	King	Reese	Wimberly
Gunn	Lowe		

—30

Mr. Watkins, having received all the votes cast, being a majority of the Senate, was declared to be duly and Constitutionally elected Doorkeeper of the gallery of the Senate for the time prescribed by law.

#### OATH OF OFFICE.

The oath of office was then administered to the following officers, to-wit: J. A. Kyle, Secretary; Wm. J. Conniff, assistant Secretary; W. B. Kemp, Doorkeeper; Wm. H. Maybin, assistant Doorkeeper; J. T. Watkins, Doorkeeper of the gallery.

#### RESOLUTION.

Mr. Lusk offered the following resolution, which was adopted:

S. R. 1. Resolved, That the Secretary be instructed to inform the House of Representatives that the Senate has perfected its organization, and elected its permanent officers, and is now ready for the transaction of business That he be further instructed to communicate to the House the names of the several officers elected by the Senate.

#### MESSAGES FROM THE HOUSE.

Mr. President:

I am directed by the House to inform the Senate that the House has perfected its organization by the election of the following officers:

Hon. Wm. L. Martin, of Montgomery, Speaker.  
Cyrus B. Brown, of Montgomery, Clerk.  
William F. Herbert, of Marengo, assistant Clerk.  
F. A. Gamble, of Walker, Engrossing Clerk.  
John V. Denson, of Chambers, Enrolling Clerk.  
Robert Hasson, of Calhoun, Doorkeeper.  
T. W. deYampert, of Montgomery, Ass't. Doorkeeper.  
And the House has adopted the following joint resolution herewith sent:

Resolved, by the House, the Senate concurring; That a joint committee consisting of three from the House and

two from the Senate, be appointed by the Speaker of the House, and the Lieutenant Governor, as the presiding officer of the Senate for their respective Houses, to wait upon the Governor and inform him of the organization of the Legislature and its readiness to transact public business.

Committee on part of the House—Messrs. John, Woolf, and Arnold.

And the House has adopted the following joint resolution herewith sent:

Resolved by the House, the Senate concurring; That the two Houses meet in joint convention in the Hall of the House of Representatives on Thursday, the 10th day of January, 1907, at 11:00 a. m., for the purpose of witnessing the Speaker of the House of Representatives open and publish in their presence the returns of the election for Governor and other State officers held in the State on Tuesday after the first Monday in November, 1906, and to ascertain and declare the result of such election as required by the Constitution of Alabama and the laws made in pursuance thereof.

Cyrus B. Brown, Clerk.

#### HOUSE MESSAGE.

The Senate concurred in the House joint resolution, raising a joint committee, consisting of three on the part of the House, and two on the part of the Senate, to wait upon the Governor, and inform him of the organization of the Legislature, and its readiness to transact public business, and the President of the Senate appointed as a Committee on the part of the Senate, Messrs. Lowe and Hamner.

And the Senate also concurred in the House joint resolution, directing a meeting of the two Houses in the Hall of the House of Representatives, on Thursday the 10th day of January, 1907, at 11 o'clock a. m., for the purpose of witnessing the counting of the vote, and publishing the returns of the election for Governor and other State officers held in the State on Tuesday after the first Monday in November, 1906, as required by law.

## RESOLUTIONS.

Mr. Lusk offered the following resolution:

S. R. 2. Resolved, That the Senate be governed by the rules of the last Senate until new rules are adopted with the following substitute for Rule 30, viz:

That as soon as it is officially declared who was elected Lieutenant Governor at the last election that he appoint the Chairman and members of the Standing Committees of the Senate and report them to the Senate.

Mr. Spraggins offered the following as a substitute for the resolution offered by Mr. Lusk:

Resolved, That until the Senate adopts new rules, the rules of the last Senate of Alabama be and they are hereby adopted as the rules for the government of this Senate, except that rule 30 be amended so as to read as follows:

Rule. 30. A standing committee of five members of the Senate, to-wit: Senators, Lusk, Lowe, Overton, Horton, and Reid, shall appoint the standing committees subject to confirmation by the Senate. Select or special committees shall be appointed, as required, by the then presiding officer of the Senate.

Pending the consideration of said substitute.

## ADJOURNMENT.

At 2:20 o'clock p. m., on motion of Mr. Spragins, the Senate adjourned until 3:30 p. m .

## AFTERNOON SESSION.

The Senate met pursuant to adjournment, and was called to order by the President.

## ROLL CALL.

On call of the roll, a quorum was present.

## OATH OF OFFICE.

The President of the Senate then administered to B. A. Forrester, Senator from the 35th district composing

the counties of Houston and Henry, the oath of office, and enrolled his name.

#### UNFINISHED BUSINESS.

The unfinished business being the substitute offered by Mr. Spragins to the resolution offered by Mr. Lusk at the morning session, was then taken up; and on motion of Mr. Lusk, the substitute offered by Mr. Spragins was laid upon the table.

Yeas 23, Nays 12.

Yeas:

Messrs:—

Barbour	Hamburger	Lusk	Reynolds
Bayles	Hamner	Merritt	Strother
Davis	Hays	Miller	White
Doster	Horton	McWhorter	Wilson
Gardner	Leath	Overton	Wimberly
Gunn	Lowe	Reid	

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Nays:

Messrs:—

Blackman	Heacock	King	Spragins
Forrester	Hinson	Moody	Teasley
Glenn	Jones	Reese	Thomas

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#### POINT OF ORDER.

Mr. Reese rose to a point of order, that the tabling of a substitute to a resolution also laid the original resolution on the table, which point of order was sustained by the President.

On motion of Mr. Lusk the substitute and original resolution was taken from the table, and put upon its passage, the question recurring upon the adoption of the substitute offered by Mr. Spragins. Said substitute was lost.

Yeas, 12; Nays, 23.

Yeas:

Messrs:—

Blackman	Heacock	King	Spragins
Forrester	Hinson	Moody	Teasley
Glenn	Jones	Reese	Thomas

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Nays:

Messrs:—

Barbour	Hamburger	Lusk	Reynolds
Bayles	Hamner	Merritt	Strother
Davis	Hays	Miller	White
Doster	Horton	McWhorter	Wilson
Gardner	Leath	Overton	Wimberly.
Gunn	Lowe	Reid	

—23

The original resolution offered by Mr. Lusk was then taken up and passed.

Yeas, 23; Nays, 12.

Yeas:

Messrs:—

Barbour	Hamburger	Lusk	Reynolds
Bayles	Hamner	Merritt	Strother
Davis	Hays	Miller	White
Doster	Horton	McWhorter	Wilson
Gardner	Leath	Overton	Wimberly.
Gunn	Lowe	Reid	

—23

Nays:

Messrs:—

Blackman	Heacock	King	Spragins
Forrester	Hinson	Moody	Teasley
Glenn	Jones	Reese	Thomas

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#### PROTEST.

Mr. Thomas then offered the following protest, signed by himself and others, and asked that the same be spread upon the pages of the Journal.

Said protest is as follows:

Whereas, under the Constitution of this State—the supreme law of the land—the powers of government are divided into distinct departments, each of which are confined to a separate body of magistracy; namely: “Those which are legislative, to one; those which are executive, to another; and those which are judicial, to another”; and

Whereas, it is further provided that the Executive Department shall never (except in certain defined instances) exercise the powers of the legislative; “to the end that it may be a government of laws and not of man”; and

Whereas, it is further provided that the office of Lieutenant Governor belongs to the Executive Department; and

Whereas, it is further provided that the Legislature shall be in session about one week before the beginning of the term of office of the Lieutenant Governor, from which, it is made manifest that it was not the purpose of the framers of the Constitution that the Senate should remain idle and inactive, at great expense to the State, for a period of about one week, until the beginning of the term of office of the Lieutenant Governor, for the sole purpose of according him the privilege of appointing the standing committees of this body: now, therefore, we, the undersigned members of the Senate of the State of Alabama, being mindful of the oath of office, which we have taken to support the Constitution and in order that the action of this body may not constitute a precedent in a matter, which we believe to be in violation of the Constitution of the State, and dangerous in effect; and believing in a strict adherence to the principle that ours shall be a government of laws and not of men, feel impelled to protest and we now do solemnly protest against any action of this body whereby it yields to the Lieutenant Governor the power to appoint its standing committees; and we demand, under the authority guaranteed to us by

the Constitution, that this protest be spread upon the Journals of the Senate.

W. C. Jones,  
F. L. Blackmon,  
J. W. Heacock,  
E. Perry Thomas,

Henry F. Reese,  
Evans Hinson,  
J. J. King,  
Chas. B. Teasley,  
E. H. Glenn.

#### RESOLUTIONS.

Mr. McWhorter offered the following Joint Resolution, which was, on a suspension of the rules, put upon its immediate passage;

S. J. R. 3. Whereas, Dr. T. S. Palmer, in charge of Game Preservation, Department of Agriculture, Washington, D. C., one of the most eminent Ornithologists and game law experts of the nation, will reach Montgomery tonight;

Therefore, be it resolved by the Senate, the House concurring that an invitation be and the same is hereby extended to Dr. Palmer to address the Legislature of Alabama in the Hall of the House of Representatives at 10 a. m. to-morrow:

Resolved further, that a committee consisting of two on the part of the Senate and three on the part of the House be appointed to convey to Dr. Palmer this invitation and to escort him to the Capitol, in the event he accepts.

Said resolution was adopted and the President announced as a committee on the part of the Senate, Messrs. McWhorter and White.

**Mr. Hamner** offered the following resolution:

S. R. 4. Whereas, Dr. J. N. McCormack, Health Officer of Kentucky, and official representative of the American Medical Association, who upon invitation of Dr. W. H. Sanders, State Health officer, is conducting in this State a campaign in the interest of practical public health work, being now in the city, therefore,

Be it resolved, by the Senate, the House of Representatives concurring, That an invitation be extended the distinguished visitor to address the Legislature of Alabama in the Hall of the House of Representatives at 3 p. m. to-morrow.



Resolved further, That a committee of two on the part of the Senate, and three on the part of the House be appointed to convey to Dr. McCormack this invitation and escort him to the Capitol in case he accepts.

Which, under a suspension of the rules, was put upon its immediate passage, and adopted; and the President of the Senate announced as a committee on the part of the Senate, Messrs. Hamner and Wimberly.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has adopted the Joint Resolution herewith sent:

Resolved by the House, the Senate concurring, That there shall be a committee appointed to make arrangements for the inauguration of the Governor, the committee to consist of four on the part of the House appointed by the Speaker, and two on the part of the Senate appointed by the presiding officer of the Senate.

Committee on part of the House—Gunter, Kirby, Kornegay, Norville.                      Cyrus B. Brown, Clerk.

#### HOUSE MESSAGE.

The Senate concurred in the foregoing resolution and the President appointed as a committee on part of the Senate Messrs. Teasley and Lusk.

#### APPOINTMENT OF MESSENGER AND PAGES FOR THE SENATE.

Mr. Thomas, President pro tem of the Senate announced the appointment of Joe Wilkerson, as Messenger for the Senate, and J. Kirkman Jackson, Jr., Thomas Hayes, Armistead Gayle and C. C. Devinney as Pages for the Senate.

#### MESSAGE FROM THE GOVERNOR.

Executive Department of Alabama,  
Montgomery, Jan. 9th, 1907.

Mr. President:

I am directed by the Governor to communicate to the Senate a message in writing.

J. K. Jackson,  
Private Secretary.

## GOVERNOR'S MESSAGE.

OFFICE OF THE GOVERNOR,

Montgomery, Ala.,

January 9th, 1907.

*To The Members of the Senate and House:*

The Constitution directs that the "Governor shall, from time to time, give to the Legislature information of the state of the government, and recommend for its consideration such measures as he may deem expedient," and he shall give "information of the condition of the State." In accordance with that provision of the Constitution I am laying before you herewith matters which it seems particularly proper should be brought to your attention, and, as well, in some cases recommending such action as I think should be taken.

## PENSIONS.

Seven years ago the State was appropriating as pensions for old soldiers about \$115,000.00 a year. For each of the past two years the disbursement for this purpose went nearly to the half million dollar mark. This money was divided between about 15,000 pensioners. The law provides as follows:

"That any resident citizen of this State on the first day of January, 1899, and who is a resident citizen at the time of filing his application, who while in the military or naval service of this State, or the Confederate States, lost a leg or arm, or the use thereof, or who from wounds received while in such service, or who from sickness or old age, or who is blind, or deranged or unable at the time to make a living by physical labor, by reason of his permanent disability, and who did not desert the service of the Confederate States or the State of Alabama, and who does not own property to the value of

four hundred dollars, and who has no children living with him upon whom he can depend for support, and whose salary or income does not exceed three hundred dollars per annum, shall be entitled to the provisions of this act, as hereinafter provided, and the widow of any soldier or sailor of this State or of the Confederate States, who has not married since the death of such soldier or sailor, and whose husband did not desert the service of the State or of the Confederate States and who was a resident citizen of the State on the first day of January, 1899, and who is a resident citizen of the State at the time of filing her application, and who does not own property to the value of four hundred dollars, shall also be entitled to relief under the provisions of this act, as herein provided."

Many of the 15,000 on the rolls come under none of the classes named in the law. They are really not entitled to pensions under a strict enforcement of the law.

I see that a proposition has been made to change the law so as to allow a service pension. I doubt if so much fraud would be practiced under the law so changed as has been or is now practiced. With the law so changed it would be indeed, possible to make proof that a party was a soldier when in fact he was not, but there could not be so many opportunities for fraud as now.

The Legislature can do one of two things: 1st. Change the law so as to provide for a traveling pension examiner, who will spend his entire time carefully looking into the proof of the applicants, and who will be uninfluenced by local surroundings. In that event the needy and the indigent soldier could have, very properly, from the State Treasury a sufficient yearly sum to provide absolutely for the necessities of life.

2nd. Change the law so as to provide a service pension. With any sum the State can now appropriate under the best possible circumstances this new proposition would certainly not increase the amount of individual pensions, which for the last two years have been

\$30, \$40, \$50, and \$60 for the several classes. The service pension, you would find, would decrease these amounts with any possible appropriation the Treasury could stand.

Four years ago a bill came to me providing for an appropriation of \$100,000.00 additional to the one mill tax, for each of four years. I offered an amendment, as I had a right to do, under the law, reducing the amount to \$50,000.00 each of four years, providing, however, that this sum would be increased to \$150,000.00 for each of the last two years, if it appeared to the Governor that the Treasury could stand the additional amount. This amendment was accepted and the bill became a law. The veterans got the \$400,000.00 originally provided in the four years. I authorized the Auditor to draw his warrant in October, 1905, and again in October, 1906, for the additional hundred thousand.

My apprehension of a possible treasury balance then grew out of the reduction by one mill of the State tax, which reduction amounted yearly to about \$350,000.00. It will be recalled, too, that at that particular time the income from the convict department under the departure I caused to be made, was not a certain amount. The vast increase from this source which has come to the treasury since that time, was then in the future. My fears, I think, were not unreasonable.

In conclusion of this subject, you will allow me, with as much emphasis as I can command, to say that no needy or indigent old soldier ought to suffer for any of the necessities of life as long as the State can prevent it.

#### SOLDIER'S HOME.

You provided four years ago for a home for old soldiers, which home was largely donated by that great lover of old soldiers, Jefferson M. Falkner, and is known as the "Falkner Home." You appropriated \$120.00 a year for each inmate. Under the act I appointed the following trustees of the Home:

State at Large: J. M. Falkner, W. D. Westcott and C. L. Ruth; and the following, one from each Congres-

sional District: A. C. Danner, J. B. Stanley, S. T. Frazer, H. C. Reynolds, W. A. Handley, A. Y. Glover, L. B. Stone, Sam'l. Blackwell and W. C. Ward. They are all clever business men. I think you will not find a wiser or more efficient body of men on any board than these.

The appropriation has been found to be entirely insufficient to care for it at all. There are nearly seventy people in the Home and the appropriation is \$10.00 for each per month. A competent Commandant, with an assistant or two, cooks, helpers and nurses, particularly nurses, take in wages one half of the appropriation. You will consider of course that nearly every one of these old men if not absolutely, is partially helpless and needs much attention. There is hardly \$5.00 a month for each, to feed and clothe them. The Board has found it impossible to get along on the allowance and they have gotten behind. The members above named signed with me a note for \$2,750.00, which I will ask you to provide for. This money had to be borrowed, the old veterans starved, or the Home closed. If you should decide to keep it open further you will necessarily be compelled to greatly increase the per capita appropriation. It certainly ought not to be run as a poor house.

#### OUR ASSESSMENT LAWS.

Real and personal property, when aggregated, does not bear taxes on 30 per cent of its real value. Personal property escapes almost entirely unless it is in shares in a corporation. It is almost unrepresented in the tax returns. Real property in many counties is not itself given in for an amount above one-third of its value, and there are counties where 20 per cent. on real estate is considered a most liberal estimate. Every effort has been put forth by the Auditor to get personal property on the list and to have real property assessed at a reasonable per cent. of its value. The Back Tax Commissioner's office has been constantly in touch with the Auditor in this fight for a proper showing with what, I consider, a pitiful result. The assessment for the year

1900 amounted to \$266,000,000.00, and for the year 1906 to \$384,000,000.00, an increase unequalled at any time in the history of the State. A billion dollars would, however, hardly be a fair assessment. We are sharing in a very great prosperity all over the country. Our immediate sister states, Georgia and Mississippi, have increased their assessments in a larger degree, which I assume is the result of superior tax laws and not the result of really increased values.

#### BACK TAX LAW.

The Tax Commission Law is effective in increasing the assessment against a few people in an average of one-half of the counties. It does not reach one person in one hundred whose property deserves to be raised. In one half of the counties it is entirely ineffective with any execution this administration could give it; and with any execution, indeed, it ever had at any time since the passage of the act. The whole tax system should be radically changed. Personal property, except such as that represented by corporation shares, or such as pay a record tax, as I have said, practically bears no part of the tax burden. At your last session you provided for the taxation of mortgages at the small rate of 15 cents a hundred. This departure has not only been effective in raising a considerable revenue, \$75,667.21 in 1906 for the State alone, but it suggests an extension along the same line. I am of the opinion that ultimately the law must be so changed as to ~~exclude altogether for consideration all such personal~~ property as may be entirely hidden from the assessor, except such as the law requires court or state records to disclose. I am inclined to believe that the principle of a mortgage tax might profitably and fairly be extended.

The Commission law has been more effective in securing unpaid licenses than in raising valuations or discovering escapes. It seems that the law should provide for a greater diligence on the part of judges of probate in the collection of licenses. Now it requires that the judge of probate shall report the list of licenses collected to the

grand jury. Some of the judges content themselves with receipting for licenses when handed them or, perhaps, notifying parties that they are due such license. They do not count it as a part of their duty to enforce collection. Their indifference, on the whole, has probably increased since the passage of the back tax law. It would be feasible, it seems, to add to the duty of the probate judge a requirement that he exhaust whatever remedy the law is made to give him to the end that those who might otherwise, may not escape such tax.

Curious to know what has been done I have gone over the returns for four years covering the years of 1898, 1899, and those of 1905 and 1906. The law was established in 1896. I found that in 1898 in thirty-one counties there was either no back tax commissioner, or if there was such an officer he made no raises and furnished no escapes. In 1899 twenty four counties had no raises and reported no escapes. There were six other counties of the sixty-seven in which the tax from escapes and raises from the work of the Commissioner amounted to less than \$30.00 in general state and special tax.

For the past year I find there have been no raises and escapes from the Commissioner in 35 counties. For 1905 there was no raises or escapes in 28 counties. It will, I am sure, appear to you at once that as at present written in the books the law is only effective against a few of the parties it ought to reach. You will agree with me that it is most undemocratic to make fish of one and fowl of another. In some of the counties of the State the law has never operated for any one of the ten years which it has been on the books.

Our assessment laws are not operating to the State's advantage. Our neighbors on either side of us are better equipped. Their increase in assessment the past year or two has been greater than ours and I am sure the real valuation of property in Alabama has far outgrown either of them.

## RAILROAD ASSESSMENT.

The railroads were assessed by the Board charged with that duty last March for the total sum of \$58,426,072.00, an increase in the six years of this administration of \$10,227,834. This amount is far below their value, though I think it incontestable that it is a higher valuation than that set upon property generally in this State by owners and assessors. I may go further and say that a greater value is placed upon railroad property in this assessment than is placed on personal and real property in any county in the State.

## INHERITANCE TAX.

I think that the State can fairly provide for a reasonable Inheritance Tax.

## VAGRANCY.

The law on the statute books has been ineffective to suppress vagrancy. No lines that you may write will likely be entirely satisfactory. That will not hinder you from undertaking a solution of this most serious question. A more efficient vagrancy law should be passed or the present one amended. The Supreme Court has held that the burden is upon the State to prove that the defendant has no property or means to support him. Under this ruling of the court the State is required to prove a negative, which it cannot do. The burden of proof should be upon the defendant charged with vagrancy to establish the nature, kind and amount of property, if any, he has from which he gains a support.

## DEPARTMENT OF ARCHIVES AND HISTORY.

It is gratifying to me to be able to make special mention of the continued growth of the Department of Archives and History. Although the newest of our State Departments, it has reached an enviable position of dignity and influence. Under the tireless zeal and intel-



ligent enthusiasm of its Director, Dr. Thomas M. Owen, its development has steadily proceeded until it has organized and made accessible the archives or public records of the State, and has collected a vast mass of valuable historical materials, such as books, maps, prints, charts, historical memoranda, original documents, relics, portraits, views, and newspaper files, etc., etc. The collections aggregate many thousands of dollars in value.

Since its establishment the Department has been without adequate quarters, and has been compelled to conduct its work under very trying conditions, temporarily using the Senate Chamber for a historical gallery and the Senate cloak room for an office.

The plan of the Department, as a means or agency for meeting the duty which the State owes to its archives and its history, has met general favor. It has the endorsement of the American Historical Association a body of more than two thousand representative historical students from all parts of the United States. The States of Mississippi and West Virginia have created similar Departments. South Carolina has created a History Commission, substantially following our plan, and it has been endorsed in Florida, Arkansas, Tennessee, Iowa, Georgia, North Carolina and Virginia. It is a matter of congratulation that Alabama should lead in the establishment and development of this new phase of State institutional activity. The Department deserves well at your hands.

#### YELLOW FEVER.

In the summer of 1904 New Orleans and the State of Louisiana and Mississippi were visited by a terrible yellow fever scourge. There were three cases and two deaths in Alabama, but so excellently was the quarantine managed that beyond these cases, and the great expense and confusion to municipalities and counties and to the State itself, we were unharmed. The statute provides \$10,000 a year to fight these epidemics. The State spent in this particular fight \$42,300, the money being

supplied in August and September from the fund allowable for the fiscal year 1904, and in October from the fund for the fiscal year 1905. Treasurer Smith advanced \$10,000 on an agreement that the Auditor would October 1st, 1906, issue his warrant to the State Health Officer, that officer agreeing to hand it immediately over to the Treasurer. You will observe that this accounts for the \$10,000 for each of three years. The balance of the total expenditure was made up by turning over to Dr. Sanders, on the last day of the fiscal year, 1905, what was left of the Governor's Contingent Fund for that year to the amount of \$2,200, and by Dr. Sanders borrowing the remainder \$8,125, on his personal note, which, however, I and others signed with him. You will be asked to appropriate this money with interest to the holders of the note. The few dollars you will be called upon to disburse, as interest on this money, is much cheaper than would have been a session of the Legislature to provide for the deficiency. While \$42,000 is a large sum it was well spent in keeping the disease practically out of this State. As it was business was never very greatly disturbed. The victory was very cheap at the price. In this connection I desire to say that I interested myself and procured the interest of all the congressmen from Alabama in a general maritime quarantine, which I believe is now effective. I think it will not be possible again to have the State disturbed over this disease.

#### UNIFORM SCHOOL BOOKS.

The uniform school book law, which was passed at your last session, was made effective in the summer of 1903. It has been the law of the State for more than three years. The law provided that the Governor and Superintendent of Education, together with eminent teachers appointed by the Governor, should form a State Text Book Commission. The Governor appointed, under the law, Dr. F. M. Peterson, President of the Girls Industrial School; Dr. C. C. Thach, President of the Polytechnic Institute; Dr. J. W. Abercrombie, President of the University. These three with the Governor and

Superintendent of Education composed the School Book Commission. As provided in the bill the Governor appointed the following gentlemen to form a Sub-Commission: Prof. M. C. Wilson, President Florence Normal School; Prof. H. J. Willingham, President of the 5th District Agricultural School; Dr. J. H. Phillips, Superintendent of the Birmingham Public Schools; Prof. J. H. Foster, Superintendent of the Tuscaloosa Public Schools, and Prof. W. W. Benson, representing the common schools. The two boards did a great deal of work. Its members were given ample opportunity to study and compare all the books in competition. At joint sessions of the two commissions opportunity was given the agents of the publishers to appear before the body in advocacy of their publications. This public hearing ran through several days. The Sub-Commission after some weeks, reported its findings and the main commission then selected the books to be used. I think the members of the commission agreed that one mistake at least was made in their selections—that one superior and more teachable text book might have been secured. No member of the commission will say that the books selected, taken as a whole, are not of a higher value than the average books taught in the schools of the State before the adoption of the law. The work of the commission was honestly and unselfishly done, and I desire here to bear testimony to the faithfulness with which its members served the State. The expense attached to the commission was within the \$2,000.00 appropriated for the purpose, and no men more nearly earned their per diem than did those eight appointed members of the Board.

#### THE MATTER OF SAVING FROM ITS OPERATION.

In many city stores in the State school books were sold at retail at what was known as "list" price. In other city stores and throughout the State in the smaller communities, books were sold at an advance of 20 to 40 percent. on list price. The contract with the publishers required that the books should be sold in a number of

places in each county at contract figures which were below what was known as list price. To those persons who were fortunate enough to live hard by a store that sold the books at list the reduction under the new law would represent a saving to them of about 30 per cent. If they were situated, as four-fifths of the patrons were, at a distance from the list-price store they had to pay 20 to 40 per cent. above "list." These last find their books now at hardly above one half of the old rate. The aggregate sale in the State on the basis of the new price list average something like \$200,000 a year. The saving for five years to the people of this State cannot hardly be less than 40 per cent. or an aggregate of \$400,000.00. There is added to this argument in favor of the new law the great saving which comes from avoiding repeated changes and the annoyance which parents and guardians suffer from such changes. Moreover, the average boy and girl now has a better book to study than they have known before. It will be necessary for you to provide for a new book commission to continue the operation of this most wholesome and profitable departure.

#### SCHOOLS.

That brings me to a discussion of our schools. The University, the Polytechnic, and the Girls Industrial School are having the most successful year in all their history. The University is much in need of funds with which to erect and equip additional buildings. It has been twenty years or more since the school has had any funds to put into buildings. The growing necessity for large appropriations for the common schools has caught and held the eyes of the legislators, and in supplying in some sort of fashion their crying needs, the old school at Tuscaloosa has not had the attention it deserved. The needs of the Polytechnic are not less serious, so far as buildings go, than the University. Both schools must undoubtedly receive proper consideration at your hands. A temporary provision of the last Legislature for State work in the department of horticulture should

be made a permanent part of the Polytechnic's endeavor. It is a pity that Tuscaloosa and Auburn were ever separately organized. They should have been combined, becoming in time a real great University. As it is much of the work is duplicated at extra expense to tax payers. It is possibly not too late to combine them.

#### OTHER SCHOOLS.

You will have a call from the Normals, and the Agricultural Schools. They will place their needs, which are entitled to your consideration, before you. This is also true of that great institution for girls, recently established at Montevallo, and now doing a great work.

The common schools will, however, demand your chief attention. There is great room for improvement in them. In the past few years, a great advance has been made. They are following now an almost perfectly new system, and as the years have gone on, they are being supported by large additional sums. As an evidence of the growing opportunities for good in these schools I point you to the amounts used in their support. For the six years, beginning with 1895 and ending with 1900 they received from the State alone, exclusive of poll tax, \$3,146,890.46 and for the six years ending September 30, 1906, they received, exclusive of poll tax, \$5,870,111.41. A difference in favor of the latter years of \$2,723,220.95.

For the school year 1895-6 the General

Fund from the State Treasury was..\$	496,482 20
Poll Tax .....	145,000 00
Estimated City Supplement.....	100,000 00
Total .....	\$741,482 20

For 1905-6 the schools received general..

fund from the State.....	\$1,085,063 95
Poll Tax .....	116,500 00
Local County Taxes .....	185,000 00
Estimated City Supplements .....	250,000 00
Total .....	\$1,636,563 95

The figures given, as estimated, are made with the assistance of the Department of Education.

The vast aggregate sum, representing the difference in the two six year terms, has done much good for the State in preparing future citizens for usefulness. Not one-half enough has been done in this direction, in my judgment, that ought to be done. Teachers are underpaid. The fund will never be sufficient until an ambitious youth can hope to realize from teaching an income which will compare favorably with the earnings of men engaged in other profitable pursuits. They are doing the world's next greatest work and the sums many of them receive is inadequate pay for their great and successful labors. Their product is finer than that turned out by the furnace or the forge; of larger value than that from pick or shovel, or what comes as fruit of loom or spindle. It becomes us to see to it that so delicate a work is committed to competent hands, and that they may be competent, it is reasonable that provision be made for the care and comfort of the workers.

#### TUSKEGEE INSTITUTE.

The law requires that any funds received from the sale of lands donated to the Tuskegee Institute by the National Government shall pass through the hands of the Governor. I have had in my possession \$31,450.56 all of which, with the exception of \$319.31, after consultation with the Board of Trustees of the School, has been invested in Alabama bonds and turned over to the Finance Committee of that Board. The remainder, **\$319.31, in cash has been committed to the custody of** the Chairman of the Finance Committee, of said board, it seeming proper that I should, before I went out of office, make a complete settlement with the school and not leave any fraction of the settlement for my successor.

It has been complained that graduates from this school do not return to the farms; that they are being educated away from them. The school does not sin in this matter

above the higher white schools in the State. Graduates from none of them return to the farm. This is a great pity.

#### MONTEVALLO AND TUSKEGEE LANDS.

Only a few hundred acres of the Tuskegee school lands have been sold. Montevallo lands to the amount of 2,921 scattered acres have been sold and the money \$36,550.68 deposited to the credit of the school in the State Treasury. There are yet on hand of these Montevallo lands 22,000 acres. The greater part of which, being practically in one block, have not been offered for sale by the board. They have been reserved. All of these lands are very valuable. A most modest estimate of their present selling value could hardly be less than \$10.00 an acre. The determination of the board, made some years ago, only to part with the scattered lands and then at fair figures, has, I think, been very wise and in the interest of the school.

#### DEAF, DUMB AND BLIND SCHOOLS.

These several schools were so unfortunate as to lose one of their buildings, embraced in the equipment for the Deaf. The insurance was inadequate. The whole amount was collected by me and turned over to the Building Committee. It was found to be insufficient to put up such a building as was needed. You should read the report of Superintendent Johnson to get a fair idea of what the several schools are doing and what their needs are.

#### HOSPITAL FOR THE INSANE.

The officers are doing a great work. I think they are reasonably well provided with funds. You will find the report of Dr. Searcy, the Superintendent, instructive reading.

## CHILD LABOR LAW.

The law which you passed at your last session restricting child-labor in the mills was not sufficiently reformatory of old methods and has not been very effective. I take it this subject will be carefully treated by you in the interest of the future manhood and womanhood of this State.

## GOOD ROADS.

Our dirt roads, with a few exceptions, are a disgrace to the State. We all recognize that. How they may be improved will challenge your attention. I have no suggestions or advice to offer except to say that any legislation that will advance this cause in a single county in the State will be eminently worth your while.

## RACIAL TROUBLES.

I think we can felicitate ourselves on the comparatively kindly feeling existing in this State between the races. While it is not such as it might be it is better than in other States and is altogether an improvement on the feeling which existed a few months ago in this State. I am in receipt of many letters from leading negroes and have had very many conversations with members of the same class, pledging themselves to stand with the conservative and law-abiding white citizens for the preservation of law and order. I have talked the matter over with leading white citizens and both agree that there must be a still better feeling or we are in danger of a race clash much to be regretted. It will be very wise for us all to understand that as we are to live here together there is every reason for the thoughtful of each race to consult together in the interest of mutual helpfulness.

The tremendous number of vagrants and thieves among the negroes, more than ever before, admonishes all of us that this must be the result of the precept of preachers. and school teachers. We cannot escape the convic-



tion. While the State cannot interfere with the right of free speech in the churches it can interfere to see that the State's money is not expended to keep teachers in the schools who turn out a tremendous proportion of children who look upon manual labor with abhorrence or believe they can live decently here as thieves, or have an idea that there is a pleasant thieves home in the hereafter. This brings me to say that it is well for us to consider if there is not some better way of providing teachers than by depending on moral perverts, supplying them with the State's money to do a destructive work. Stealing and vagrancy are the greatest disturbers of race peace. They are the primary disturbers of that peace. This is a great question which you have for consideration, and I am sure that any legislation you may see fit to pass touching it, or both races where they come together, will be considered conservatively and wisely.

I must not be considered as opposing negro schools. I am merely undertaking to say to you that the State will be better served when we can produce more honesty and a larger inclination to labor, even, if it be, at the expense of the text books.

#### AN ECONOMICAL GOVERNMENT.

It is believed that you have the most economical government in the world. Exclusive of the appropriations for pensions, schools, asylums and interest on the public debt the total disbursements are less than 20 cents per capita. The four items vary greatly in different states and for the purpose of comparison I eliminate them. These left out of consideration there is no state government in America so cheap as this one of ours and I believe no government covering an equal number of men in the world will show such a small disbursement. The fact is, exclusive of the four items, the tax payer contributes nothing to the support of the State government. The profits from the Convict Department alone, as now managed, will more than pay every other item of governmental expenses. This statement, I am sure, will interest you.

## ALABAMA NATIONAL GUARD.

The State's Military arm consists of three regiments of infantry and one battalion each of cavalry and artillery. The three regiments are better equipped than at any time in their history perhaps, and they make a very magnificent appearance. The artillery lacks some necessary guns. Speaking of them as a whole—infantry, cavalry and artillery—I am sure that they have never been so well supplied with the mere mechanics of war. They appear to be and I think are, as well-officered and show as good discipline as at any time in their history. I have had occasionally to call out a company here and there and once or twice during my term, several companies. Any and every portion of the guard has always responded promptly and cheerfully to every order given them. I cannot speak in too high praise of their soldierly spirit.

In this connection, it is suggested in some military quarters, that a permanent camp ground be selected. This would have its advantages and disadvantages, but in all probability is the best thing to do under the circumstances. One must ask himself the question, however, if the advantage gained by permanent mess halls and kitchens and water-works will more than compensate for the naturally smaller attendance on encampments year after year. The boys, wanting with their outing, a change, and not getting it, will be likely to fall off in inclination and enthusiasm.

## PUBLIC EXAMINERS.

The Public Examiners now cover the whole state every twelve months; looking into such matters as effect the state treasury alone. Six years ago the counties averaged as many as three years from the dates of the respective last examinations. About four years ago the present Examiners caught up, that is, got to where they could, without taking on too many purely county examinations, cover the whole state, including the Superintendents of Education, a practically new field for their

endeavor, in one year. Since then, practically every county is examined in the State's interests every twelve months.

I believed that frequent examination would prove that there were not many officers who wanted to defraud the State. For a greater part they are honest, entirely honest. A poor book-keeper could explain an error in one year, when in three or four years it might escape him. I learn that officers do not complain of the coming of one of the Examiners. They are pleased to have their books looked over as often as possible. The Examiners have been finding very little to report; very much to my satisfaction and to the satisfaction I think of all good citizens. The work, however, on state matters, makes it almost impossible for the examiners to go into county matters, if they would make the rounds in one year.

If you think this work should be diligently pursued as to county funds, you will be compelled to provide some additions to the present force.

#### TAG TAX LAW.

The present tag tax is 30 cents on the ton. The sum gathered from this source after paying the expenses of the department and the prescribed amounts to certain schools, usually leaves a balance. For the last fiscal year it was about \$18,000. It seems to me that it is time the tax was reduced to the actual cost of inspection, and that the schools now supplied out of the fund, be cared for as other schools are, either by direct appropriation, or out of the general school fund. It must not be understood that I think they should be crippled in any way. On the contrary, they should be given, with all other established schools, ample support.

In the event the tax is so reduced then you would have to provide a special appropriation for State exhibits at fairs and other advertisements of the State's resources. In the past few months the Commissioner of Agriculture and Industries has expended, as he had a right to do under the law, and with my approval, \$12,500 for the as-

sembling of county and individual exhibits at two State Fairs, which Fairs have been of immense service to the farmers of Alabama.

#### STATE DEPOSITORIES.

The plan of keeping a large sum of money in the Treasury is subject to criticism. The balance of the past fiscal year, many times and for weeks and months, stood around two million dollars. It is a great care, and besides, and what is more important, it is out of circulation. Four years ago, a bill calling for State Depositories was introduced in one of your bodies, which had my approval. It failed to become a law. Had it passed, providing as it did for State bonds as a basis, the late bond sale would have been at a better figure. You will have an opportunity to vote on a bill providing for State Depositories at your present session. I unqualifiedly advise the passage of such a bill when properly drawn. In this connection I am minded that the Constitution does not allow the loan of the State's funds. This clause seems now to be unfortunate.

In this connection it might be well to require of insurance companies doing business in the State a deposit with the State Treasurer of State or Government bonds as, in some sort, a security for the insured in Alabama.

#### IMMIGRATION.

Some practical plan should be put on foot looking to the attraction to Alabama of desirable immigrants. Something has been done in the last year or two by the railroads, land companies, factories and furnaces. The State Government, while willing to do what it could, had no funds at its disposal. It is probably fair to say that we have received during the past four years something like ten thousand home-seekers from the continent and the north and west. The National Government is spending a large sum of money at New Orleans providing an immigration station like the one at Ellis Island and this will furnish better opportunity for the south to se-

cure laborers for its fields and factories than has been offered it before. A bureau might be established presided over by a practical person, which bureau should be furnished with considerable means. This might be a charge on the State for only such a time as it should appear to the Governor that it is effective. The need for additional labor for all lines is very imperative. A stream is already begun to this State. Some little assistance would keep it open and provide for its enlargement. There cannot be before you many more important matters for your attention than this.

#### SALE OF NEW BONDS.

The bonded indebtedness of the State was \$9,357,600, as follows: \$966, 000 due January 1906; \$7,437,600 due

July, 1906, and \$954,000 due in 1920. Those due in 1906, January and July, to the amount of \$8,403,600 have been paid by the use of a sum of money received from the sale of \$8,103,000. The premium on this last amount being sufficient to pay for and retire \$300,600 of the debt. The whole debt has been reduced by that amount. All of these bonds to the amount of \$8,403,600, except something like \$300,000 of them, have been cancelled and are in the vaults of the State Treasury. I suggest that you appoint a commission to see that they are destroyed. The law does not now provide for the burning of these particular bonds.

I managed to sell a 3 1-2 bond to take up those due in January, 1906, at 1.02 or a premium of 2 dollars on the hundred. This sale was made in November, 1905. I even hoped to do as well or better with the bonds due in July 1906, but caught a higher market. I advertised for bids for 50 year bonds at 3 1-2 and 4 per cent. I got only a few bids for a 3 1-2 bond which I required the bidders for the larger part of the 4 per cent. to deliver of the previous January issue. In this open competition I had offerings to cover about three times the amount of bonds offered. I accepted and delivered the bonds to those bidding the highest premium. The accepted bids ran from a premium of two dollars a hundred on a 3 1-2 bond to

\$4.134 on a four per cent. bond. On the issue of January, 1906, I collected a premium of \$19,320, and on the larger two issues, A and B's, now combined into an issue of A's alone, was collected a premium of \$319,718.11.

I seriously contemplated paying the old C's, or the larger part of them, with the money lying idle in the treasury, but found on investigation I had no authority to do so. That plan promised a large saving of interest with the use of unemployed funds, even if the legislature when it should meet felt inclined to and had authority to re-issue them.

While the sale of the July bonds was not altogether satisfactory at the time, I have seen no day since when I think a better bid or even so good a bid would have been offered, money ruling very high. The annual interest has been reduced from \$448,880.00 to \$357,650.00 a saving for each year of \$91,230.00. This has been done and the whole indebtedness reduced from \$9,357,600 to \$9,057,000. As to the \$300,600 in bonds retired let me say that it is very probable you can if you see fit re-issue this amount in bonds. The constitutionality of such a project is, however, debatable. In the meantime the interest on them has been saved.

Besides this saving in interest and this saving in the aggregate of the debt, I found after paying necessary expenses that I had on hand of the premium money \$25,707.98, which I have caused to be covered into the treasury. That the Journals may hold and keep the transaction I have thought it prudent to furnish in this message a brief statement:

Total amount received as premium on C's	\$ 19,320 00	
Total amt. rec'd. as premium on As & Bs	319,718 11	339,038 11

Expenses:

Lithographing -----	9,086 25
Express -----	3,268 08

Expenses to New York:

Governor three times -----	
Treasurer once -----	362 30
Private Sec. to Gov. twice -----	

Advertising -----	12 00	
Exchange -----	1 50	12,730 13
		<hr/>
Old bonds paid for and retired		300,600 00
		<hr/>
Total -----		313,330 13
Leaving balance to cover into Treasury		25,707 98

#### CAPITAL EXTENSION AND IMPROVEMENT.

As is known to you, the last Legislature made an appropriation of one hundred and fifty thousand dollars "for the improvement of the State Capitol building and grounds and for the acquisition by condemnation or purchase of any real estate necessary or beneficial in improving the present capitol grounds, and for the erection or acquisition of any necessary additional building or buildings for the use of the State." The act created a Capitol Building Commission, for the purpose of carrying out its provisions, to consist of the Governor, the Attorney-General, State Treasurer, State Auditor, Secretary of State, with the Director of the Department of Archives and History as Secretary. The Commission organized June 28, 1904, and at once entered upon its work. It would serve no useful purpose to here detail the deliberations of the Commission, or to recount the stages passed in reaching its decisions. Suffice it to say that the Commission, in the execution of the duties imposed, has acquired for the State the South portion of the capital square, it has extended the capitol by the erection of a South wing or addition now approximately completed, and it has caused a number of improvements and repairs to be made on the old or main building. The purchase of the lots named was imperatively demanded in order to provide room for necessary extension and in order to give proper form to the capitol grounds.

For a long time there had been a pressing need for more room for the proper conduct of the business of the several offices and departments of the State. In no way did it appear possible to the Commission for this to be secured except by the erection of an addition to the

present capitol building. In reaching a conclusion as to the best form for such extension the Commission took much time for deliberation, and before formal action, in addition to the advice of Mr. Frank Lockwood, the Commission architect, secured the expert advice of Mr. Charles F. McKim, of McKim, Mead and White, a firm of the greatest architects in the world. The addition as erected was planned by Mr. Lockwood, and endorsed by Mr. McKim after a personal inspection of our present building and a study of our needs, situation, etc. This addition is in architectural harmony with the original structure, and is so built, as to be subordinate to it. It is as large as was possible to make with the funds at our disposal.

Owing to the lack of funds the improvements and repairs on the old building are not as extensive as was designed, but they are such as was thought most needed at this time. Together with the extension they form a part of a general scheme of improvement, details and plans of which are in the hands of the Secretary of the Commission. The addition and the interior improvements on the old building have served to increase the beauty and usefulness of the historic old structure, and when the entire scheme or plan of the improvements is carried out it is believed that there will be no more attractive capitol building in the country. A journal of the proceedings of the Commission has been carefully kept, and all expenditures have been made strictly in accordance with the law and will be within the legislative appropriation.

#### THE MATTER OF PARDONS.

I have issued in the past twelve months 114 pardons, commutations, reprieves and remissions. This is a small number as has been issued from the Governor's office in this State in many years. Cases at times come before the Board of Pardons where a palpable error has been committed in the sentence. It not infrequently happens that the trial Judge and Solicitor unite in agreeing that a mistake has been made,



and join in asking for clemency. Under such circumstances it is a pleasure for the Board of Pardons to recommend clemency, which they promptly do. During the holidays just passed I took occasion to issue paroles and pardons to a goodly number; among them a dozen or more poor unfortunates, who after long service for the State with good conduct always to their credit, were paroled or pardoned, giving them some of the sunshine of freedom in their declining, and in some cases, last days.

#### CAPITAL PUNISHMENT.

This brings me to discuss for a moment capital punishment in this State. There is a general indisposition to hang white men in Alabama. For my term, covering six years, I think only two white men have been hung in the State. They were strangers. They met their proper punishment in the imperial county of Jefferson. It was unfortunate for them that they were not better or more favorably known in Alabama. Our juries do not seem to have the same objection to hanging the casual visitor as they do the home raised criminal.

In this connection there happened recently an incident which has excited very much comment in this and other states. A convicted man appealed to the Supreme Court; then to the Board of Pardons, where the trial Solicitor appeared against clemency and the trial Judge was known to oppose clemency. After a long hearing the Board of Pardons refused to recommend clemency, and I refused absolutely to interfere with the sentence, taking the position that there was nothing in the papers or in the argument that would lead me in any way to suppose that the sentence was unjust. In the meantime the sheriff had taken the prisoner to an adjoining county for safe keeping, probably to save him from the indignation of his neighbors. A writ of habeas corpus was granted on the day before the time set for the execution. The man's new found friends were sufficient to provoke an excitement most unusual and to me inexplicable. Good citizens joined in the objection to his execution

and the Judge, at the last moment, took the case out of the hands of the executive authorities.

The indisposition of juries to sentence to hanging, as disclosed by the record, and the excitement which the possible hanging of this man created among respectable people, leads me to the conclusion that the hanging of white men in Alabama is almost an impossibility, and excites me to suggest to you that probably it would be as well to allow the law to declare against capital punishment except in a case of an offense against women. It is monstrous to allow a law to stand which is operative only against one class of our citizens.

I call your attention to the report of the Attorney-General which you will find on your desks. The figures for two years in Alabama, as given by him, show that 669 cases of homicide were tried and of these 184 were convicted of murder in the first degree. Many of this last number were hung, but I think not a single white man. Public sentiment must be built up to the law, or the law must come down to a level with public sentiment. The two are apart.

#### FISH AND GAME LAW.

The passage of a comprehensive law on this subject is, to my mind, quite imperative. No real protection can be secured short of a provision which arranges for game wardens. The bill ought to be comprehensive enough to embrace other birds than game birds. It is well enough to begin at once a work looking to preventing the total extinction of our game, and as well our song birds. There will be presented for your consideration, at least one measure on this line, which will no doubt challenge your attention and interest.

#### THE MATTER OF SALARIES.

The Judges of the State and the Chancellors, it seems to me, ought to have an increase of their salaries. Living is more than twice as high in Alabama as it was when some of these salaries were provided for. There is no

judge now on the bench in Alabama, measuring up to his place, who cannot earn in his profession a larger income than he is receiving from the State.

In this connection, too, I suggest you appoint a committee to harmonize the salaries of the executive officers and clerks. Many of them are high enough, perhaps, but the inequality in the salaries of officers and clerks in this building, and in some cases the insufficiency of such salaries, is most glaring.

#### THE NEW CODE.

Judge Mayfield filed with me on the 11th day of December the Code which your body at a previous session engaged him to prepare. In addition to the Code he submitted a report which the law provided. That report I caused to be printed and furnished to the post-office address of every member of your two bodies as soon as possible. It was sent out December 16th. This was done that members might begin their legislative work at home by scrutinizing such changes from and additions to the old Code as has been provided. I am sure the comparatively small expense, from my contingent fund, was more than justified. The constitutional limit of your session does not allow you more time than is needed and the Mayfield Report beforehand ought to facilitate the business you will have on hand. The report, together with some suggested bills from the same hand, will be laid before you.

#### CONVICT DEPARTMENT.

Four years ago the new system of working the convicts in the mines went into effect. There were many doubters at the time. There seems to be none now who doubt the wisdom of the departure. About six hundred convicts, about as many as are physically able to be put in the mines, are getting out coal by the ton. The change from the old system in which the State averaged, for the year before the new plan was effective, only \$11.00 a head for the men leased to coal operators, provides, besides the

advantage of largely increased gains, their care by the State's own wardens, its own nurses and its own doctors. Besides the increased income we have a more humane management and a greatly reduced death rate, as will appear from the reports of the Physician Inspector. I have not at any time regretted that I caused the change to be made. The department for the past six years has been managed with signal wisdom and success, as will be more clearly seen by a report by years for the past twelve years:

6 years.		6 years.	
1895.....\$	24,843 00	1901.....\$	92,545 00
1896.....	3,061 75	1902.....	98,895 00
1897.....	20,715 00	1903.....	160,418 00
1898.....	49,417 00	1904.....	292,127 00
1899.....	25,422 00	1905.....	293,294 00
1900.....	6, 53 00	1906.....	384,000 00
Total...\$ 129,711 75		Total...\$1,322,279 00	

The difference in the two six year terms amounts to \$1,192,567.25 net.

The new system largely accounts for the difference in income for the four years, and, besides, the counties observing what the State was getting under the new State system finally induced the operators to increase the sum allowed for county convicts.

I had hoped before my term expired to see purchased one large plantation of the very best land providing quarters for all those convicts who are not fit for very hard work, dividing it up into quarters for women and children, tuberculosis people, for a general hospital, and for quarters for men, placing it all under one great management. This must be done in time.

A profitable departure for the State in the near future will be the opening of mines on the State's own account, and thus securing the operators' profits. If this is done

and properly managed the income from such convicts as may be used in the work should double the present income of an equal number of men so engaged.

#### COUNTY CONVICT SYSTEM.

The County Convict system is a reproach. Four years ago I advised a change of one line in the Code, requiring hard labor agents to receive the approval of the State Convict Department to proposed contracts. This would have practically put the control of the county system in the State Department. That Department was willing to see that adequate pay was given for the service of these convicts, and particularly desired to so place them and in sufficient numbers that its agents could the better overlook them. The simple remedy proposed would have added to the fine and forfeiture fund of every county and inured particularly to the well-being of the poor unfortunates. The present system is beyond words. I hardly trust myself to write of it.

#### .. CONVICT EARNINGS AND WHISKEY LICENSES.

I am persuaded that the earnings from the State convicts and as well the money derived from whiskey licenses should go to the schools, the division looking particularly to the support of reformatory institutions. One half of the criminals, certainly, I should say, are made so either directly or indirectly by the use of ardent spirits. The convict camps are largely camps for whiskey graduates. Why not take the earnings then of these unfortunates and the income from licenses to reform the boy, or strengthen him through a proper education, against future temptation. This would be a great departure from the State's financial system, and ought to be provided for with due reference to future possible treasury balances. In this connection the Municipal Code which you are to draft might provide for a minimum license for the sale of whiskey, which should be higher than known in the average city of this State before. I take it that you will pass a local option law, but not less important is a higher minimum license, dependent upon population.

### BUCKET SHOPS.

One of the crying evils of the day is the gambling done through what are known as bucket shops. I am sure you will agree with me that they ought to have no legal existence in Alabama.

### THE SURPLUS.

The state treasury on December 1st had a balance of \$915,304.40. That is a lower point than the balance had reached in one year and would be lower than it would reach in another year, the treasury receiving and disbursing the same amount as the past twelve months. It is what we call low water time and low water mark. It marks the exact day when the income from the new tax year gets larger than the demand on the treasury. It is an absolute surplus. Indeed, I might say that the surplus is a round million, because the half year interest due on the first day of January had been taken from the treasury before December 1st and sent to New York. There may be some discussion of this position, but the money is in the treasury and it is a real surplus. The discussion, or seeming doubt of its nature grows out of an old law, which I think has been improperly interpreted by some officers, requiring school money collected in a past fiscal year to be set aside for schools in the next fiscal year. If such can be called the law now it ought to be repealed because it has never been observed in actual practice and is a most foolish provision. There is no earthly reason why this year's schools should not be taught with this year's money instead of last year's money. There has been no habit of setting the school money aside or any other money aside. For years until the latter ones, the treasury has run down at low water to the very bottom and to the last dollar.

If the State might be considered a firm or corporation and had gone out of business on December 1st, the balance of, certainly as much as \$915,304.40, would have been distributed to its stockholders. It would have been free of any obligation which could have touched any part

of it. The stockholders in that case would have been entitled to it as a dividend.

The net balance for the last year's business amounted to \$396,954.99. That is to say this amount was received above the disbursements and may be called the year's profit.

#### OFFICERS REPORT.

I call your attention to a number of recommendations in the respective reports of the State Auditor, the State Superintendent of Education and the Attorney-General as being worthy of your interest. Copies of these reports will be distributed among you.

#### A FINAL WORD.

You may be interested to have, in a word, the more important changes which have come to the State in the last six years or during the terms of the present administration, and the more important results of the State's activities in several directions.

You have a new constitution. I place it first in importance. Experience will prove and has proven that it will need some amendments, but I class it above all the other blessings of these years.

You have a uniform text book system, which effected a large saving to patrons of schools and furnished a vastly better average book for the pupils.

You have now monthly paid teachers, whereas six years ago they were paid quarterly, and this reminds me that the unfortunate men and women on the pension rolls might get their pittance as often as half-yearly, or perhaps quarterly.

There has been an increase of real and personal property from \$266,000,000.00 in 1900 to \$384,000,000.00 in 1906.

The years have brought a reduced tax rate. The reduction from 7 1-2 to 6 1-2 mills was effected four years ago and has amounted to a saving to the tax payers of about \$300,000.00 a year.

The old soldiers have had in six years one and a half million dollars more than for any other six years in the State's history, running from \$115,000.00 in 1900 to \$473,000.00 in 1906.

The schools have had better support. There has been paid out to teachers in this State and from the State treasury alone, in the last six years two and three quarter millions more than the aggregate of any other six years in the State's history, practically doubling the amount used in any other six years.

There has been retired \$300,000.00 of the State's debt. The bonds to this amount have been paid and await your committee to burn. The money for this purchase represents perhaps the first dollars paid out on the State debt since the war.

Whereas we paid as interest on the public debt in 1905 \$448,880.00, we will pay as interest on the public debt in 1907 \$357,650.00. Here we have an actual saving of \$91,230.00, and for each of the coming years.

The net income from the Convict Department in six years has been \$1,200,000 more than for any other six years, running from six thousand in 1900 to \$384,000 in 1906. This last sum probably amounts to as much as the net aggregate from the same source in the thirty years ending in 1900.

The purchase and payment of additional grounds for an extension of the Capitol site and the building of a harmonious and sympathetic addition to the beautiful old building.

A vast treasury surplus.

I want here publicly to extend my thanks, and to express my appreciation, of the uniform courtesies shown me in the conduct of this great office. Not only was the Legislature which preceded you considerate of me in every way, but I have met with nothing but courtesy from the heads of the executive departments and their clerks during my entire administration. It gives me exquisite pleasure too, in speaking of them, to say that in my opinion, no more loyal, efficient and



patriotic set of public servants has ever surrounded and aided any Governor. My own immediate official family has been most exceptional and remarkable. I will remember their singleness of purpose and uniform courtesy and kindness always.

If the administration of the State's affairs for six years has been a success I am only entitled to share in the praise with the heads of the departments of the State Government, my own, and their loyal force of helpers.

You will allow me to express the hope that the stay of each of you in Montgomery may be pleasant; and profitable, as I am sure it will be to the State. Moreover, and further, that the days of your after life may furnish you no regrets for your course here, but on the contrary, that you may be able always to feel that, every day, you rose to the height of your great opportunity and your great duty.

WILLIAM D. JELKS.

On motion of Mr. Thomas, the reading of the Governor's message was dispensed with, and 300 copies ordered printed for the use of the Senate.

#### MOTIONS.

On motion of Mr. Gunn the President appointed Messrs. Gunn and Moody to wait upon the clergy of the city, and invite them to open the morning sessions of the Senate with prayer.

#### ADJOURNMENT.

At 5 o'clock p. m., on motion of Mr. Spragins, the Senate adjourned until 10:30 o'clock tomorrow morning.

## THIRD DAY.

January 10th, 1907.

The Senate met pursuant to adjournment, President pro tem E. P. Thomas, in the chair.

Prayer by the Rev. Dr. McGehee, of the city.

## ROLL CALL.

Messrs:—

Barbour	Hamburger	Leath	Reid
Bayles	Hamner	Lowe	Reynolds
Blackmon	Hays	Lusk	Strother
Doster	Heacock	Merritt	Teasley
Forrester	Hinson	Miller	Thomas
Gardner	Horton	Moody	White
Glenn	Jones	McWhorter	Wilson
Gunn	King	Overton	Wimberly

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## LEAVE OF ABSENCE.

Leave of absence was granted to Mr. Reese for the day, Mr. Spragins until Tuesday, Mr. Davis until Monday, and Mr. Forrester until Tuesday.

## JOURNAL.

On motion of Mr. Lusk, the reading of the Journal of yesterday was dispensed with, and the same was approved.

## HOUSE MESSAGE.

Mr. President:

The House has concurred in the Senate Joint Resolution relative to Dr. T. S. Palmer addressing the two Houses at 10 o'clock today.

Committee on part of the House—Messrs. Sherrod, Fuller and Lindsey.

And the House has concurred in the Senate Joint Resolution relative to Dr. J. N. McCormack addressing the two Houses at 3 o'clock today.

Committee on part of the House—Messrs. Vann, Lovelady and Bulger.

Cyrus B. Brown,  
Clerk of House of Representatives.

#### RECESS.

On motion of McWhorter the Senate took a recess for one hour to hear an address from Dr. T. S. Palmer, of Washington, D. C.

#### JOINT CONVENTION.

Pursuant to a joint resolution heretofore adopted, the two Houses of the Legislature of Alabama, met in the hall of the House of Representatives to witness the opening, publishing, ascertaining and declaring the result of the vote cast for executive officers for the State of Alabama, at the election held on the first Tuesday in November, 1906, the same being the 6th day of November, 1906.

The joint convention was called to order by the Hon. E. P. Thomas, President pro tempore of the Senate, who directed the Secretary of the Senate to call a roll of the Senate, when the following senators answered to their names:

Messrs:—

Barbour	Hamner	Lusk	Reynolds
Bayles	Hays	Merritt	Strother
Blackmon	Heacock	Miller	Teasley
Doster	Hinson	Moody	Thomas
Forrester	Horton	McWhorter	White
Gardner	Jones	Overton	Wilson
Glenn	Leath	Reid	Wimberly
Gunn	Lowe		

The Speaker of the House directed the Clerk of the House to call the roll of the House of Representatives, when the following representatives answered to their names :

Mr. Speaker	Haley	Oliver
Alford	Henley	Parker
Altman	Hoffman	Pearson
Armstrong	Hughston	Peete
Arnold	John	Pitts (Dallas)
Arrington	Johnson	Pitts (Perry)
Avery	Jones	Powell (Bullock)
Ballard (Autauga)	Killen	Powell (Covington)
Ballard (Pike)	King	Power
Baltzell	Kirby	Pratt
Barton	Kornegay	Price
Benners	Lacy (Dallas)	Pugh
Benson	Lacy (Walker)	Rainer
Brown	Lancaster	Rowe
Bulger	Lawson	Sample
Burney	Lee (Barbour)	Sanders
Cannon	Lee (Etowah)	Sanford
Carmichael (Clay)	Lee (Houston)	Seale
Carmichael (Colbert)	Lindsey	Sherrod
Coleman (Lowndes)	Long (Butler)	Smith (Elmore)
Coleman (Marshall)	Long (Morgan)	Smith (Lee)
Cooper	Lovelady	Smith (Etowah)
Cranford	Lyons	Smith (Franklin)
Crum	Malone	Steagall
Doyle (Clark)	Maner	Turner
Doyle (Marengo)	Middleton	Urquhart
Dudley	Mitchell	Vann
Edwards	Moore	Weaver
Elrod	McCrary	White (Lamar)
Foster	McDuffie	White (Perry)
Fuller	McMillan	Williams
Glover	Norville	Woolf
Goodwyn		

The President pro tempore of the Senate announced that there was a quorum of the Legislature of Alabama present, and that the purpose of the joint Convention was to open, ascertain and declare the result of the votes cast for executive officers for the State of Alabama, at the election held on the first Tuesday in November, 1906, being the 6th day of November, 1906.

The Speaker of the House of Representatives then proceeded to open and publish in the presence of both Houses of the Legislature of Alabama, and in the presence of a majority of the members of the Legislature, in joint Convention assembled, the returns of the election held on Tuesday after the first Monday in November, 1906, for the executive officers for the State of Alabama, to-wit: For Governor, Lieutenant Governor, for Secretary of State, for State Auditor, for State Treasurer, for Attorney General, for Superintendent of Education, and for Commissioner of Agriculture and Industries as follows:

	For Governor.			Lieutenant Governor			Attorney General			State Auditor.		Secretary of State.		
	B. B. Comer.	Asa E. Stratton.	J. N. Abbott.	Henry B. Gray.	James M. Cooper.	W. F. McGowan.	Alexander M. Garber.	J. B. Sloan.	James Reeson.	Wm. W. Brandon.	J. Clyde Miller.	Frank N. Julian.	George B. Randolph.	
Autauga	810	21	---	807	20	---	803	20	---	802	21	800	20	---
Baldwin	205	4	16	257	4	19	255	4	18	258	4	259	4	---
Barbour	909	4	---	967	4	---	905	4	---	965	4	905	4	---
Bibb	570	30	3	569	26	4	507	25	2	572	26	506	26	---
Blount	1,147	577	---	1,114	578	---	1,093	616	---	1,104	578	1,105	577	---
Bullock	433	---	---	434	---	---	435	---	---	434	---	433	---	---
Butler	810	---	6	798	---	9	706	---	6	798	---	796	---	---
Calhoun	1,378	84	6	1,343	89	7	1,344	91	7	1,341	92	1,324	113	---
Chambers	1,002	12	---	968	10	1	904	11	1	972	11	967	11	---
Cherokee	1,205	110	32	1,018	105	32	909	123	33	1,019	108	965	108	---
Chilton	754	828	5	721	833	5	717	828	5	715	833	718	832	---
Choctaw	418	---	---	415	---	---	415	---	---	416	---	416	---	---

Clarke	720	4	720	4	718	4	717	4	717	4	717	4
Clay	1,092	454	1,041	454	1,036	454	1	453	1,042	453	1,037	452
Cleburne	1,242	91	1,159	98	1,133	98	3	97	1,131	97	1,133	100
Colbert	534	56	532	56	533	54	17	54	541	54	547	54
Concuh	457	5	442	5	429	6	6	6	432	6	430	5
Coosa	870	228	824	227	813	227	4	228	816	228	810	227
Covington	969	50	902	62	862	58	4	58	867	58	859	54
Crenshaw	946	12	926	10	920	12	4	12	915	12	914	12
Cullman	1,490	737	1,316	791	1,278	800	5	816	1,300	816	1,282	802
Dale	900	36	860	42	863	40	---	4	861	4	858	41
Dallas	736	2	737	2	738	---	1	---	737	---	738	---
DeKalb	1,344	617	1,267	629	1,289	635	4	619	1,261	619	1,257	622
Elmore	946	43	928	43	924	41	---	42	930	42	923	41
Escambia	402	6	398	9	391	6	5	8	393	8	393	8
Etowah	1,434	500	1,378	503	1,283	498	11	489	1,311	489	1,281	487
Fayette	968	334	844	347	815	339	5	338	879	338	817	341
Franklin	736	416	694	438	691	439	12	430	698	430	701	430
Geneva	904	63	807	56	793	58	3	56	796	56	798	54
Greene	373	3	372	3	373	3	---	3	373	3	374	3
Hale	522	---	519	1	518	1	1	518	---	518	---	521
Henry	514	4	508	4	505	5	1	6	507	6	506	5
Houston	715	4	705	5	702	4	---	4	693	4	692	4
Jackson	847	91	839	93	834	93	1	89	832	89	831	87
Jefferson	6,874	273	6,305	282	6,360	262	134	301	6,279	301	6,340	264
Lamar	845	175	814	181	803	177	1	175	807	175	803	176

	For Governor.		Lieutenant Governor			Attorney General			State Auditor.		Secretary of State.		
	B. B. Comer.	Asa B. Stratton.	J. N. Abbott.	Henry B. Gray.	James M. Cooper.	W. F. McGowan.	Alexander M. Garter.	J. B. Sloan.	James Beeson.	Wm. W. Brandon.	J. Clyde Miller.	Frank N. Julian.	George B. Randolph.
Lauderdale	848	28	1	840	27	---	838	27	---	838	27	843	27
Lawrence	576	55	3	556	61	3	555	53	4	551	55	565	54
Lee	658	17	---	664	14	2	661	13	2	662	13	662	13
Limestone	774	13	1	768	15	1	769	13	1	769	13	770	13
Lowndes	539	6	---	532	3	---	543	3	---	543	2	541	4
Macon	296	5	1	300	5	---	298	5	---	299	5	300	5
Madison	1,304	21	12	1,272	22	12	1,259	21	11	1,222	22	1,285	22
Marengo	728	2	---	726	2	---	726	2	---	728	2	728	2
Marion	851	195	---	842	199	---	840	197	---	840	194	841	195
Marshall	1,458	476	4	1,238	510	4	1,199	516	5	1,214	510	1,206	513
Mobile	967	59	7	923	59	7	923	57	6	923	59	928	58
Monroe	470	5	---	473	5	---	472	5	---	472	5	472	5



Montgomery	1,365	21	9	1,365	17	8	1,370	15	8	1,369	15	1,369	16
Morgan	976	37	23	965	37	3	969	40	23	964	37	959	36
Perry	457	1	---	461	1	---	332	1	---	460	1	460	1
Pickens	723	9	1	715	11	1	710	10	1	715	8	707	9
Pike	847	9	7	849	---	---	838	3	---	846	2	842	3
Randolph	580	79	---	572	76	1	576	76	---	574	78	574	77
Russell	338	3	---	338	3	---	337	3	---	337	3	337	3
Shelby	1,103	774	7	1,054	779	7	1,052	780	7	973	741	1,043	780
St. Clair	983	416	9	830	426	9	784	429	9	777	423	775	426
Sumter	535	---	4	529	---	5	533	---	4	531	---	532	---
Talladega	829	50	---	824	47	1	833	44	---	826	46	823	47
Tallapoosa	1,031	17	6	1,032	8	16	1,029	17	7	1,027	17	1,027	17
Tuscaloosa	1,319	16	5	1,305	20	5	1,306	16	5	1,306	17	1,306	17
Walker	2,047	1,015	19	1,945	1,011	19	1,887	1,004	19	1,907	1,000	1,899	1,002
Washington	312	6	---	309	7	---	305	7	---	306	7	305	7
Wilcox	612	---	---	614	---	---	613	---	---	613	---	614	---
Winston	556	767	3	527	768	5	523	769	4	526	767	525	768
Total	61,223	9,976	417	58,616	10,147	428	57,680	10,083	410	52,150	10,004	58,087	10,089

\* For Governor—J. S. Gilbert, 3.

	State Treas.		Supt. of Education.			Com. of Agriculture & Ind.			
	Walter D. Seed.	George Beyer.	Harry C. Gunnels.	George L. Malone.	G. H. Bean.	T. A. Wilkinson.	William Cook.	W. S. Baldwin.	
Autauga	803	20	800	20	---	807	21	---	---
Baldwin	259	4	254	4	18	255	3	20	---
Barbour	966	4	967	3	---	967	4	---	---
Bibb	569	25	557	25	2	588	25	2	---
Blount	1105	570	1,108	576	---	1,104	577	---	---
Bullock	434	---	434	---	---	433	---	---	---
Butler	799	---	791	1	7	791	---	6	---
Calhoun	1330	98	1,351	90	7	1,335	94	6	---
Chambers	966	12	962	11	1	961	11	1	---
Cherokee	962	114	959	110	61	947	113	33	---
Chilton	717	832	717	830	5	721	829	6	---
Choctaw	416	---	416	---	---	415	---	---	---
Clarke	717	4	717	4	---	717	4	---	---

Clay	1033	453	1,036	453	1,037	451	1	---
Cleburne	1136	99	1,132	99	1,130	97	2	---
Colbert	540	54	537	54	535	53	6	---
Conceuh	436	6	435	5	434	5	4	---
Coosa	813	227	815	199	816	229	4	---
Covington	871	53	860	54	855	56	5	---
Crenshaw	915	11	923	11	912	11	4	---
Cullman	1216	917	1,273	803	1,268	810	5	---
Dale	859	40	864	41	863	38	---	---
Dallas	738	---	738	---	737	---	1	---
DeKalb	1261	546	1,253	629	1,258	629	3	---
Elmore	924	42	924	41	932	32	---	---
Escambia	390	8	391	8	393	8	3	---
Etowah	1291	490	1,283	492	1,289	498	9	---
Fayette	815	340	812	339	809	343	5	---
Franklin	696	429	693	429	693	430	12	---
Geneva	803	50	800	56	797	50	4	---
Greene	373	3	373	3	373	3	---	---
Hale	521	---	519	---	521	---	---	---
Henry	508	6	505	6	504	7	1	---
Houston	695	4	692	5	689	4	---	---
Jackson	846	90	834	88	836	99	---	*
Jefferson	6348	275	6,304	251	6,295	251	125	---
Lamar	806	177	808	175	814	176	---	---

	State Treas.		Supt. of Education.		Com. of Agriculture & Ind.			
	Walter D. Seed.	George Reyer.	Harry C. Gunnels.	George L. Malone.	G. H. Bean.	J. A. Wilkinson.	William Cook.	W. S. Baldwin.
Lauderdale	837	27	837	26	838	27	838	27
Lawrence	558	56	558	54	563	55	563	55
Lee	600	13	600	13	661	13	661	13
Limestone	768	14	769	15	772	14	772	14
Lowndes	543	2	543	2	543	2	543	2
Macon	299	5	299	5	299	5	299	5
Madison	1250	20	1,255	23	1,247	23	1,247	23
Marengo	728	2	728	2	727		727	
Marion	842	193	842	194	842	197	842	197
Marshall	1226	514	1,197	514	1,202	512	1,202	512
Mobile	926	57	924	58	919	57	919	57
Monroe	472	5	472	5	473	5	473	5

Montgomery	1367	15	1,367	15	7	1,367	15	7	---
Morgan	960	41	961	39	23	955	38	24	---
Perry	459	1	460	1	---	461	1	---	---
Pickens	711	8	708	8	---	707	8	---	---
Pike	844	2	841	2	---	845	2	---	---
Randolph	572	77	574	78	---	576	75	---	---
Russell	337	3	337	3	---	337	3	---	---
Shelby	1050	777	1,052	779	3	994	749	6	---
St. Clair	776	423	778	419	11	779	428	11	---
Sumter	531	---	530	4	---	530	---	4	---
Talladega	825	45	825	46	1	821	51	2	---
Tallapoosa	1027	17	1,025	17	7	1,033	17	7	---
Tuscaloosa	1310	17	1,305	16	5	1,307	17	5	---
Walker	1893	1,000	1,865	1,004	18	1,888	1,000	15	---
Washington	306	7	305	7	---	303	6	---	---
Wilcox	614	---	614	---	---	614	---	---	---
Winston	521	771	519	770	5	522	767	4	---
Total	58,079	10,215	57,987	10,034	440	57,956	10,775	482	---

\* State Treasurer—Waldhorst, 1.

## RESULT OF ELECTION.

The Speaker of the House then proclaimed and announced the result of the election as follows:

*For Governor.*

B. B. Comer	61,223
Asa E. Stratton	9,976
J. N. Abbott	417

*For Lieutenant Governor.*

Henry B. Gray	58,616
James M. Cooper	10,147
W. F. McGowan	428

*For Attorney General.*

Alexander M. Garber	57,680
J. B. Sloan	10,083
James Beeson	410

*For State Auditor.*

William W. Brandon	58,150
J. Clyde Miller	10,004

*For Secretary of State.*

Frank N. Julian	58,087
George B. Randolph	10,089

*For State Treasurer.*

Walter D. Seed	58,079
George Beyer	10,215

*For State Superintendent of Education.*

Harry C. Gunnels -----	57,987
George L. Malone -----	10,034
G. H. Bean -----	440

*For Commisisoner of Agriculture and Industries.*

J. A. Wilkinson -----	57,956
William Cook -----	10,775
W. S. Baldwin -----	482

## PROCLAMATION OF RESULT.

The Speaker of the House of Representatives then declared B. B. Comer, Governor; Henry B. Gray, Lieutenant Governor; Alexander M. Garber, Attorney General; Frank N. Julian, Secretary of State; William W. Brandon, State Auditor; Walter D. Seed, State Treasurer; Harry C. Gunnels, State Superintendent of Education and J. A. Wilkinson, Commissioner of Agriculture and Industries of the State of Alabama for the term prescribed by law.

The object of the joint Convention having been accomplished the President pro tempore of the Senate, announced that it was dissolved.

Whereupon the Senate returned to its chamber.

## EXECUTIVE MESSAGE.

Chief Executive Department of Alabama,

Montgomery, January 10th, 1907.

Mr. President:

I am directed by the Governor to transmit to the Senate an executive message in writing.

J. K. Jackson,  
Private Secretary.

Mr. Thomas made a motion that the Senate go into executive session.

Mr. Lusk moved that the consideration of the motion made by Mr. Thomas be postponed until Tuesday, January 15th, 1907, which was carried. Yeas, 18; nays, 9.

Yeas:

Messrs:—

Barbour	Horton	Miller	Reynolds
Bayles	Leath	McWhorter	Strother
Doster	Lowe	Overton	Wilson
Gardner	Lusk	Reid	Wimberly.
Hamner	Merritt		

—18

Nays:

Messrs:—

Forrester	Heacock	Jones	Teasley
Glenn	Hinson	Moody	Thomas
Gunn			

—9

#### RESOLUTIONS.

Mr. Reid offered the following resolution:

S. R. 5. Resolved by the Senate, the House concurring herein, when the Senate adjourns today it be to meet on Tuesday, January 15th, 1907, at 10:30 a. m., and that the Senate hereby asks the consent of the House of Representative to such adjournment.

That the Senate hereby expresses its consent to a like adjournment of the House of Representatives on its concurrence in this resolution.

Which was adopted. Yeas, 22; Nays, 6.

Yeas:

Messrs:—

Barbour	Hamner	Lusk	Reid
Bayles	Hays	Merritt	Reynolds
Doster	Heacock	Miller	Strother
Forrester	Horton	McWhorter	Wilson
Gardner	Leath	Overton	Wimberly
Gunn	Lowe		

—22

Nays:

Messrs:—

Hinson	Moody	Thomas
Glenn	Jones	Teasley

—6



Mr. Reid offered the following resolution :

S. R. 6. Be it resolved by the Senate of Alabama, the House concurring, that a joint committee consisting of six members, three from the Senate, and three from the House, be appointed by the presiding officer of the Senate and House, respectively, to examine the offices of Auditor and Treasurer, in accordance with the provisions of section 2218 of the Code of Alabama.

Which was adopted, and the President appointed as Committee on part of the Senate—Messrs. Reid, Moody and Teasley.

#### APPOINTMENT OF STANDING COMMITTEES.

Mr. Lusk presented to the Senate the following motion, that the committees appointed by Lieut. Gov. Henry B. Gray and reported to the Senate, under Rule 30, as amended by resolution of the Senate be now elected as reported, and declared to be the standing committees of the Senate.

Which motion was adopted. The list of standing committees is as follows :

To the Senate :

I herewith submit the Standing Committees in accordance with Rule No. 30, the first name on each committee being Chairman :

1. On the Judiciary, to consist of nine members: Messrs. Lusk, Miller, Overton, Reid, Leith, Gunn, Merritt, Strother, Gardner.

2. On Revision of Laws, to consist of nine members: Messrs. Bayles, Lowe, Gardner, Hamner, Hayes, White, Wilson, Reese, Spragins.

3. On Constitution and Constitutional Revision and Amendments, to consist of seven members: Messrs. Hayes, Merritt, Bayles, Forrester, Reese, Blackmon, Spragins.

4. On Finance and Taxation, including Accounts and Claims, Fees and Salaries, and Contingent Fund, to consist of eleven members: Messrs. Miller, Reynolds, Lowe, Barbour, Hamner, Hamburger, Horton, Teasley, Gunn, Davis, Wimberly.

5. On Banking and Insurance, to consist of five members: Messrs. Hamner, Overton, Hamburger, Hayes, Wimberly.

6. On Penitentiary, Prison and Punishment, to consist of seven members: Messrs. Gunn, Leith, Bayles, Doster, Reid, King, Blackmon.

7. On Corporations, to consist of seven members: Messrs. Doster, Reid, Miller, Strother, Davis, Gunn, Thomas.

8. On Local Legislation, to consist of seven members: Messrs. Merritt, Lowe, Hamner, Reynolds, Miller, Wimberley, Teasley.

9. On Education, to consist of seven members: Messrs. Reynolds, Barbour, Hamburger, Merritt, Wimberley, Gardner, Doster.

10. On Commerce and Common Carriers, to consist of seven members: Messrs. Overton, Strother, Reynolds, Lusk, Merritt, Gunn, Reid.

11. On Mining and Manufactories, to consist of seven members: Messrs. Wilson, Reynolds, White, McWhorter, Leith, Moody, Spragins.

12. On Agriculture, to consist of seven members: Messrs. Horton, Hayes, Wilson, King, Glenn, Jones, Thomas.

13. On Municipalities and Municipal Organizations, including Charitable Institutions, to consist of five members: Messrs. Strother, Hamburger, White, Leith, Lowe.

14. On County and County Boundaries, to consist of five members: Messrs. White, McWhorter, Miller, **Moody, Glenn.**

15. On Immigration and Industrial Resources, to consist of seven members: Messrs. Reid, Davis, Horton, Doster, Barbour, Thomas, Hinson.

16. On Public Buildings and Grounds, to consist of five members: Messrs. Lowe, Bayles, Teasley, Jones, Hinson.

17. On Privileges and Elections, including Grievances, Disabilities and Registration, to consist of seven members: Messrs. Davis, Jones, Heacock, Glenn, Blackmon, Hinson, King.

18. On Printing, to consist of three members: Messrs. Barbour, Jones, Thomas.

19. On Public Health, to consist of seven members: Messrs. Wimberley, McWhorter, Horton, Lusk, Heacock, Reese, Glenn.

20. Military, to consist of three members: Messrs. Hamburger, Merritt, Blackmon.

21. On Temperance, to consist of seven members: Messrs. McWhorter, Wilson, Heacock, Moody, Reese, Teasley, King.

22. On Engrossed Bills, to consist of three members: Messrs. Spragins, Hinson, Heacock.

23. On Enrolled Bills, to consist of three members: Messrs. Moody, Thomas, Forrester.

24. On Revision of Journal, to consist of five members, whose duty it shall be to examine in reference to each bill or resolution finally passed by the Legislature, and report whether the Journal contains the entries in reference thereto required by the Constitution: Messrs. Leith, Teasley, Forrester, Glenn, Reese.

25. On Rules, to consist of five members, with the right to report at any time: Messrs. Gardner, Strother, Overton, Miller, Lusk.

Henry B. Gray,  
Lieutenant Governor Elect.

#### ADJOURNMENT.

On motion of Mr. Lusk at 1:20 p. m., the Senate adjourned until 2.45 p. m.

#### AFTERNOON SESSION.

The Senate reassembled pursuant to adjournment.  
On a call of the roll a quorum was present.

#### RESOLUTION.

Mr. Strother offered the following resolution, which was adopted:

S. R. 7. Resolved, That the chairman of each of the following committees be and they are hereby authorized

to employ one clerk each for their respective committees, viz: The Committee on Judiciary, the Committee on Revision of Laws, the Committee on Finance and Taxation, the Committee on Education and the Committee on Commerce and Common Carriers, the Committee on Local Legislation and the Committee on Corporations.

That the Committee on Rules be required to report to the Senate such other Committees as may need a clerk from time to time as such need arises, together with a resolution conferring on the chairman of such committee the power to employ such clerk.

MESSAGE FROM THE GOVERNOR.

Montgomery, January 10, 1907.

To the Senate:

Under section 11 of an act approved September 30th, 1903, it is made my duty to cause to be delivered to your two bodies the proposed codification of the State's laws, together with such bills as have been prepared by the codifier, in the further discharge of his duty under the statute.

I send them herewith.

Wm. D. Jelks, Governor.

GOVERNOR'S MESSAGE.

On motion of Mr. Lusk the documents accompanying the above message were referred to the Committee on Judiciary.

MESSAGE FROM THE GOVERNOR.

Montgomery, January 10, 1907.

To the Senate:

I herewith transmit to you, in compliance with the Constitution, list of the pardons, reprieves and commutations granted by me during the past four years, with my reasons therefor, together with the recommendations of the Board of Pardons.

Wm. D. Jelks, Governor.

## GOVERNOR'S MESSAGE.

On motion of Mr. Reid the documents accompanying the above message were referred to the Committee on Penitentiaries, Prison and Punishment.

## ADJOURNMENT.

O motion of Mr. Gardner, the Senate adjourned at 3 o'clock p. m. until 10:30 o'clock a. m. Tuesday morning, January 15, 1907.

## FOURTH DAY.

Tuesday, January 15, 1907.

The Senate met pursuant to adjournment.

Prayer by Rev. Brooks Lawrence, of Birmingham.

## ROLL CALL.

On a call of the roll the following Senators answered to their names.

Messrs:—

President	Gunn	Leath	Reid
Barbour	Hamburger	Lowe	Reynolds
Bayles	Hamner	Lusk	Spragins
Blackmon	Hays	Merritt	Strother
Davis	Heacock	Miller	Teasley
Doster	Hinson	Moody	Thomas
Forrester	Horton	McWhorter	White
Gardner	Jones	Overton	Wilson
Glenn	King	Reese	Wimberly

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## JOURNAL.

On motion of Mr. Blackmon the reading of the Journal was dispensed with and the same was approved.

## INTRODUCTION OF BILLS.

On the call of the districts, bills were introduced, read and referred to appropriate standing committees, as follows:

By Mr. Lusk:

S. 1. To amend section 4 of an act to provide for subordinate employees of the Legislature.

Rules.

Also:

S. 2. To prescribe the measure of damages for loss, destruction or injury to or failure to deliver goods by common carriers and to regulate the collection thereof.

Commerce and Common Carriers.

Also:

S. 3. To amend section 3972 (502) of the Code of Alabama of 1896.

Judiciary.

Also:

S. 4. To further define, prevent and punish unlawful use of money, securities, funds or property of corporations, incorporated companies or incorporated associations by such corporations, servants, agents, officers or members thereof.

Banking and Insurance.

Also:

S. 5. To prescribe passenger rates on all railroads, other than street railroads, carrying passengers between points within the State of Alabama.

Commerce and Common Carriers.

Also:

S. 6. To further regulate the liability of masters and employers, their agents, servants, officers and employees.

Judiciary.

Also:

S. 7. To define and prohibit the unlawful giving, issuing, using or receiving free passes, rebates, reductions or discounts for transportation by common carriers of passengers, and to punish the unlawful giving, issuing, using, or receiving the same.

Commerce and Common Carriers.

Also :

S. 8. To further regulate practice and habeas corpus proceedings.

Judiciary.

Also :

S. 9. To prohibit and punish unlawful use of fire works, fire crackers, sky rockets and roman candles.

Judiciary.

Also :

S. 10. To prohibit trespassing.

Judiciary.

Also :

S. 11. To amend section 2626 of the Code of Alabama.

Banking and Insurance.

Also :

S. 12. To define, prohibit and punish aiding and abetting or counselling or procuring an unlawful sale, purchase, gift or other unlawful disposition of spirituous, vinous or malt liquors, or other liquors prohibited by law from being sold, given or otherwise disposed of.

Temperance.

By Mr. Blackmon :

S. 13. To amend section 4003 of the Code of Alabama.

Revision of Laws.

Also :

S. 14. To appropriate \$400,000.00 annually to the common schools of the State.

Finance and Taxation.

By Mr. Overton :

S. 15. To make the present railroad rates of freight and fare for the transportation, originating and terminating within this State, of freight and passengers the maximum rates.

Commerce and Common Carriers.

Also :

S. 16. To fix and establish the maximum rates to be charged by railroads now operating, or which may hereafter operate, as common carriers in whole or in part in the State of Alabama, for the transportation, originat-

ing and terminating within the State, of certain articles, and for this purpose to classify said articles and said railroads.

Commerce and Common Carriers.

Also :

S. 17. To provide the manner in which any person, company or corporation owning or operating as a common carrier any railroad in whole or in part in this State may contest the validity, or reasonableness and fairness of any maximum rate established by statute to be charged by railroads for the transportation, originating and terminating within the State, of articles, and have the same annulled or the enforcement thereof enjoined or restrained.

Commerce and Common Carriers.

Also :

S. 18. To prevent any officer, agent or employee of any person, company or corporation owning or operating as a common carrier any railroad in whole or in part in this State, from charging or receiving for the transportation, originating and terminating within the State, of any article a greater or higher rate of compensation than that established by statute where a rate for the transportation of such article has been established by statute, or from refusing to receive such article for transportation at the rate established by statute.

Commerce and Common Carriers.

By Mr. Strother :

S. 19. To make additional appropriation for the support of the public schools of the State.

Finance and Taxation.

Mr. Heacock (by request) :

S. 20. To amend section five thousand and five (5005) of the Code of Alabama of 1896.

Revision of Laws.

By Mr. Heacock (by request) :

S. 21. To amend section five thousand and sixteen (5016) of the Code of Alabama of 1896.

Revision of Laws.

By Mr. Heacock, (with notice and proof as follows) :

Notice is hereby given of the intention to apply to the



Legislature of Alabama at its next session, for the passage of the following law affecting Talladega county, Alabama, to-wit:

“An act to regulate the payment of claims against the Fine and Forfeiture fund of Talladega county.”

Section 1. Be it enacted by the Legislature of Alabama, That all claims against the fine and forfeiture fund of Talladega county shall be paid in the order of their registration.

Sec. 2. Be it further enacted by the Legislature of Alabama, That all claims of any kind which have heretofore been registered against the fine and forfeiture fund of Talladega county, without regard to the validity or invalidity of such claims now or at the time of such registration, shall, upon the approval of this act, be and become valid claims against said fine and forfeiture fund as of the date of such registration, any illegal claims so registered being hereby expressly validated.

Sec. 3. Be it further enacted by the Legislature of Alabama, That upon the approval of this act the county treasurer of Talladega county shall publish once a week for three successive weeks in some newspaper published in Talladega county, Alabama, a list, by numbers, of all unpaid claims against the fine and forfeiture fund of Talladega county of which he has record, which have been registered against said fund, and which bear the numbers from 1 to 2672 inclusive, and shall give notice in such publication to the owners or holders of such claims so registered to present the same to him for payment on or before a date to be named in said publication, not less than sixty days from the date said publication is commenced.

Sec. 4. Be it further enacted by the Legislature of Alabama, that all of such claims set forth in section 3 above, which are not presented to said treasurer on or before said date so named in said publication for payment shall become subordinate in payment to all such claims which have been registered against said fine and forfeiture fund prior to the time at which said claims shall afterwards be presented, in the event any of said

claims are presented for payment after the expiration of the time named in said publication.

Sec. 5. Be it further enacted by the Legislature of Alabama, That all laws and parts of laws in conflict with this act shall be and are hereby repealed.

State of Alabama,        }  
Talladega County.        }

Before the undersigned, Emma Huey, a notary public in and for said State and county, personally appeared E. L. C. Ward, who, being first duly sworn, deposes and says that he is proprietor and editor of the Talladega Reporter, a newspaper published in the city of Talladega, in said Talladega county, Alabama, and that the foregoing and attached notice was published in said Talladega Reporter for four consecutive weeks, and that said notice appeared first on the 8th day of December, 1906, and again on the 15th day of December, 1906, and again on the 22d day of December, 1906, and again on the 29th day of December, 1906.

Witness my hand and seal this 5th day of January, 1907.

E. L. C. Ward, L. S.

Sworn to and subscribed before me this the 5th day of January, 1907.

(Seal.)

Emma Huey, Notary Public.

S. 22. To regulate the payment of claims against the fine and forfeiture fund of Talladega county.

#### Local Legislation.

By Mr. Heacock, (with notice and proof as follows) :

Notice is hereby given that application will be made to the Legislature of Alabama, at its session to be held in 1907, for the enactment of a local law for Talladega county, in words and figures as follows, to-wit:

An act to provide for the appointment by the court of county commissioners of Talladega county, Alabama, of an official stenographer for said county, to define his duties and provide for his compensation.

Section 1. Be it enacted by the Legislature of Alabama, That it shall be the duty of the court of county

commissioners of Talladega county to appoint from time to time an efficient male stenographer to hold office during the pleasure of such court and removal by it with or without cause, who shall be the official stenographer of said county, and to fix the amount of his compensation which shall be paid by the county by warrant of the judge of probate to be drawn on the county treasurer at the end of each month.

Sec. 2. Be it further enacted, That it shall be the duty of such stenographer to attend the sessions of the circuit and city courts of said county, and when required by the circuit or city court solicitor, a preliminary trial when a felony is charged, and also before the grand jury of said county, and to take down and transcribe the testimony of witnesses examined before said courts and grand juries, and also to take down and transcribe such other of the proceedings and to perform such other duties on trials and hearings in said courts as the presiding judge of the same may require, and to take down and transcribe the testimony of witnesses examined in such preliminary trial.

Sec. 3. Be it further enacted, That the stenographer so appointed shall, before entering upon the duties of his office, take and file in the office of the judge of probate of said county, an oath to faithfully and truly discharge the duties so imposed upon him and that he will not divulge any of the secrets or proceedings that may come to his knowledge, while attending before a grand jury, which oath may be taken before any officer authorized to administer oaths of office.

Sec. 4. Be it further enacted, That the stenographer so appointed be and he is hereby authorized to attend before the grand juries of said county, when requested to do so by the solicitor, if not otherwise engaged before a court, for the purpose of taking down the testimony of witnesses, but shall not be present during the deliberations of a grand jury.

Sec. 5. Be it further enacted, That all testimony taken by such stenographer before a grand jury shall, upon the request of the solicitor, be transcribed and delivered by said stenographer to the solicitor of the court

and that all testimony and proceedings taken down by in which the grand jury is organized for his use alone, him on the trial or hearing of any civil or criminal case shall be transcribed and filed by him with the clerk of the court where the case is pending, or, if a preliminary trial, with the magistrate holding the same.

The State of Alabama, }  
Talladega County. }

Personally appeared before me J .E. Camp, judge of probate in and for said county John C. Williams, who being duly sworn according to law deposes and says that he is the editor and proprietor of the "Our Mountain Home," a newspaper published in said county and State and that the publication of a certain notice, a true copy of which is hereto affixed, has been made in said newspaper for four (4) weeks consecutively, to-wit, in the issues thereof dated as follows: December 12th, 1906, December 19th, 1906, December 26th, 1906, and January 7th, 1907.

John C. Williams.

Subscribed and sworn to before me this 11th day of January, 1907.

J. E. Camp, Judge of Probate.

S. 23. To provide for the appointment by the court of county commissioners of Talladega county, Alabama, of an official stenographer for said county, to define his duties and provide for his compensation.

Local Legislation.

By Mr. Doster:

S. 24. To prohibit operating brokerage houses commonly known as "bucket shops," engaged in selling or buying, or selling and buying futures.

Judiciary.

Also:

S. 25. To appropriate two hundred thousand dollars for the betterment and improvement of the public roads of the State; and to provide for its distribution to the several counties.

Finance and Taxation.

By Mr. Reid:

S. 26. To amend section 42 of the Code of Alabama.  
Revision of Laws.

Also:

S. 27. To amend section 1547 of the Code of Alabama.

Revision of Laws.

Also:

S. 28. To amend section 1803 of the Code of Alabama.  
Revision of Laws.

By Mr. Reid, (with notice and proof as follows):

Notice is hereby given that application will be made to and a bill be introduced in the Legislature of the State of Alabama, during its next session which begins on the second Tuesday in January, 1907, for the passage of a law to establish in the corporate limits of the town of Georgiana, in the county of Butler, State of Alabama, a dispensary for the said town of Georgiana to be conducted and carried on by said town in its corporate capacity, for buying and selling spirituous, vinous and malt liquors, in which said law provision will be made for the selection, appointment and employment of a dispenser, commissioners and other officers and agents to operate, conduct and carry on the business of said dispensary for said town of Georgiana, and also for the disposition of the revenues derived from the operation of said dispensary.

This December 12th, 1906.

Thad L. Rose,  
Mayor of the town of Georgiana.

The State of Alabama, }  
Butler County. }

Before me, Bennie Williams, a notary public in and for said State and county, personally appeared Abe Lehman, who being by me duly and legally sworn, deposes and says that he is the editor and publisher of "The Living Truth," a newspaper published in Butler county, Alabama, and which is a weekly newspaper; that the notice, a copy of which is hereto attached, was inserted in

said "Living Truth" and has been published and has appeared regularly in four weekly issues of said "Living Truth."

Abe Lehman.

Sworn to and subscribed before me on this 12th day of January, 1907.

Bennie Williams, Notary Public.

S. 29. To establish a dispensary in and for the town of Georgiana, in the county of Butler, State of Alabama, and to provide for the conduct and regulation of the same.

Local Legislation.

By Mr. Reynolds:

S. 30. To provide the indigent children of this State in attendance on the public schools of said State with text books and to provide for their preservation and to fix a penalty for the violation of this act.

Education.

Also:

S. 31. To provide for the establishment of the office of commissioner of public roads and highways and to fix the duties of said office and the qualifications of the said commissioner and to provide the compensation of the said commissioner, and to provide for the expenses of said office.

Commerce and Common Carriers.

Also:

S. 32. To prevent the shipping of intoxicating liquors from any county in this State into any other county in this State in which the sale or otherwise disposing of said liquors is prohibited by law in all or a part of said last named county.

Temperance.

By Mr. Jones:

S. 33. To amend an act entitled an act to establish a uniform system for the examination and licensing of teachers of public schools, approved February 10th, 1899.

Education.

Also:

S. 34. To amend section 4278 of the Code of Alabama.

Education.

Also:

S. 35. To amend section 4279 of the Code of Alabama.

Revision of Laws.

By Mr. Thomas, (with notice and proof as follows) :

The State of Alabama, }  
Barbour County. }

Before me, G. L. Comer, a notary public in and for said county, personally appeared A. L. Muir, who being first duly sworn doth depose and say that he is the owner, editor and proprietor of the "Eufaula Daily Times," a newspaper published in the city of Eufaula, in said State and county, and that he has been such owner, editor and proprietor for more than three years just last passed, and that as such editor, owner and proprietor he knows and affirms of his own knowledge that the following notice which is hereon pasted and which is in the following words and figures, to-wit:

#### PUBLIC NOTICE.

Notice is hereby given that application will be made to the next session of the Legislature of Alabama, which said session begins in January, 1907, for the passage and enactment of a law authorizing and empowering the city of Eufaula, a municipal corporation in the county of Barbour and in said State of Alabama, to establish, maintain, run and operate a dispensary in said city of Eufaula, for the purpose of buying and selling vinous, spirituous and malt liquors of all kinds, and to provide for a board of commissioners to manage, run and operate said dispensary for and in the name of said city of Eufaula, and to provide for the payment and disposition of the profits which may arise and accrue from the operation of said dispensary, and to prohibit said city of Eufaula

from issuing, granting or renewing any license for the sale of intoxicating liquors within the corporate limits of the said city of Eufaula at any other place other than at said dispensary, and to provide for the punishment of all persons who may in any wise violate the provisions of said law establishing said dispensary for said city of Eufaula.

Harmon Lampley.

Eufaula, Ala., Dec. 11, 1906.

Was published in each daily issue of said paper for more than thirty days and for more than four successive weeks just prior to the 11th day of January, 1907.

A. L. Muir.

Sworn to and signed before me this the 11th day of January, 1907.

G. L. Comer, Notary Public.

S. 36. To authorize the city of Eufaula to establish, maintain, regulate and operate a dispensary in the said city of Eufaula, Barbour county, Alabama, for the purchase and sale of spirituous, vinous and malt liquors, and wines, ciders and other intoxicating liquors, and to establish and perpetuate a board of commissioners for the management of said dispensary, and to prohibit the sale, except by said dispensary, of such liquors in said city of Eufaula, and to provide punishment for any violation of the provisions of this act.

Temperance.

By Mr. Thomas, (with notice and proof) as follows:

The State of Alabama, }  
Barbour County. }

Before me, G. L. Comer, a notary public in and for said State and county, personally appeared A. L. Muir, who being first duly sworn doth depose and say that he is the owner, editor and proprietor of the "Eufaula Daily Times," a newspaper published in the city of Eufaula, in said State and county, and that he has been such owner, editor and proprietor for more than three



years just last passed, and that as such owner, editor and proprietor he knows and affirms of his own knowledge, that the following notice, which is hereon pasted and which is in the following words and figures, to-wit:

PUBLIC NOTICE.

Notice is hereby given that application will be made to the next session of the Legislature of Alabama, which meets in January, 1907, for the passage and enactment of a law prohibiting the sale of vinous, spirituous and malt liquors and all other intoxicating drinks of every kind, at any place in precinct number 5 in Barbour county, Alabama, except at the dispensary in the city of Eufaula, in said precinct number 5, in Barbour county, Alabama, and providing punishment for the violation of said law.

Harmon Lampley.

Eufaula, Ala., Dec. 11, 1906.

Was published in each daily issue of said paper for more than thirty days and for more than four successive weeks just prior to the 11th day of January, 1907.

A. L. Muir.

Sworn to and signed before me this the 11th day of January, 1907.

G. L. Comer, Notary Public.

S. 37. To prohibit the sale of spirituous, vinous or malt liquors, wines, ciders or other intoxicating liquors in precinct number five, Barbour county, Alabama, except in a dispensary in the corporate limits of the city of Eufaula, and to provide punishment for the violation of this act.

Temperance.

By Mr. Gardner:

S. 38. To amend an act entitled "An act to amend section 2937 of the Code of Alabama.

Also:

Revision of Laws.

S. 39. To appropriate two hundred and fifty thousand dollars to aid in building, repairing or equipping rural district schools exclusively.

Finance and Taxation.

Also:

S. 40. To fix the time and place of holding the circuit court in the twelfth judicial circuit of the State of Alabama.

Local Legislation.

Also:

S. 41. To amend sections 1, 2 and 3 of an act entitled "An act to amend sections 382, 383, 384 and 3980 of the code of Alabama," approved February 26th, 1903.

Revision of Laws.

Also:

S. 42. Relating to the liability of common carriers doing business in the State of Alabama, to their employees.

Commerce and Common Carriers.

Also:

S. 43. To regulate railroads and other common carriers in this State, to secure reasonable rates and adequate service, and prevent unjust discrimination in their public service, and prescribe penalties for violation thereof.

Commerce and Common Carriers.

Also:

S. 44. To create a commission known as "The Railroad Commission of Alabama," define its duties and powers and provide mode of procedure, and prescribe penalties for violation of its orders.

Commerce and Common Carriers.

By Mr. Gardner:

S. 45. To establish a board of examiners for public accountants, to provide for registration and certification of public accountants, and to prescribe penalties for the violation of this act.

Finance and Taxation.

By Mr. Merritt, (with notice and proof) as follows:

The State of Alabama, }  
Macon County. }

Before me, H. P. Merritt, a notary public in and for said county and State, personally appeared C. W. Hare, who being duly sworn deposes and says: That he is the editor of the Tuskegee News, a weekly newspaper published at Tuskegee, in Macon county, Ala., that the following notice, to-wit:

#### LEGISLATIVE NOTICE.

To whom it may concern:

Notice is hereby given that the next Legislature of Alabama, will be requested to enact a law dividing Macon county into four commissioners districts, and to provide for the election of a commissioner for each district who shall be a resident of said district.

This the 11th day of Dec. 1906.

H. P. Merritt.

Was published in four consecutive issues of said paper, to-wit: In the issue of December 13th, 1906, Dec. 20th, 1906, Dec. 27th, 1906 and Jan. 3rd, 1907.

C. W. Hare.

Sworn to and subscribed before me this the 11th day of Jan. 1907.

(Seal.)

H. P. Merritt,  
Notary Public.

S. 46. To divide the county of Macon into four commissioners districts and to provide for the election of a commissioner for each district.

Local Legislation.

By Mr. Teasley:

S. 47. To fix the time of holding the city court of Montgomery.

Local Legislation.

By Mr. Teasley, (with notice and proof) as follows:

To whom it may concern:

Notice is hereby given that at the next ensuing session of the Legislature of Alabama a bill will be introduced to provide for an additional judicial circuit for the State of Alabama, to be composed of the counties of Autauga, Elmore, Chilton and Montgomery, and for the withdrawal of said counties from their present circuits; to provide for the temporary appointment of a judge and solicitor for said circuit; and for their salaries; to regulate the duties and residence of the solicitor; to provide times of holding court in said circuit; to confer chancery jurisdiction on said circuit court as to matters arising in Autauga, Elmore and Chilton counties, and to provide for registers in chancery therein; to provide for the removal of the pending causes, and remaining of pending appeals to the new court; to regulate the convening of grand and petit juries in said circuit; to authorize the judge of said circuit to adopt reasonable rules of practice to facilitate the business of the court.

Chas. B. Teasley.

The State of Alabama, }  
Chilton County. }

Before me, E. B. Deason, a notary public in and for the State of Alabama, personally appeared Frank Crichton, who, being duly sworn, states on oath that he is the publisher of "the Banner," a newspaper published at Clanton, Chilton county, Alabama, and that the notice was published in said "Bannerr" four consecutive weeks commencing November 22, 1906, and ending Dec. 13, 1906.

Frank Chrichton, Publisher.

Sworn to and subscribed before me, this 31st day of Dec. 1906.

E. B. Deason, Notary Public.

To whom it may concern:

Notice is hereby given that at the next ensuing session of the Legislature of Alabama a bill will be intro-

duced: To provide for an additional judicial circuit for the State of Alabama, to be composed of the counties of Autauga, Elmore, Chilton and Montgomery and for the withdrawal of said counties from their present circuits; to provide for the temporary appointment of a judge and solicitor for said circuit, and for their salaries; to regulate the duties and residence of the solicitor; to provide times of holding court in said circuit; to confer chancery jurisdiction on said circuit court as to matters arising in Autauga, Elmore and Chilton counties, and to provide for registers in chancery therein; to provide for the removal of pending causes, and remanding of pending appeals, to the new court; to regulate the convening of grand and petit juries in said circuit. To authorize the judge of said circuit to adopt reasonable rules of practice to facilitate the business of the court.

Chas. B. Teasley.

The State of Alabama, }  
Autauga County. }

Before me, H. E. Gipson, a notary public in and for said county and State personally appeared Chas. T. Kent, who being by me first duly and legally sworn, on oath doth say, that he is the publisher of the Prattville Progress, a newspaper published in said county; that the above and preceding notice was published in said paper for four consecutive weeks, and that the last insertion of said notice appeared on the 21st day of December, 1906.

Chas. T. Kent, Pub. Progress.

Sworn to and subscribed before me on this 8th day of January, 1907.

H. E. Gipson, Notary Public.

Notice is hereby given that at the next ensuing session of the Legislature of Alabama a bill will be introduced to provide for an additional judicial circuit of the State of Alabama to be composed of the counties of Autauga, Elmore, Chilton and Montgomery and for the withdrawal of said counties from their present circuits; to provide for the temporary appointment of a judge

and solicitor for said circuit and for their salaries; to regulate the duties and residence of the solicitor; to provide times of holding court in said circuit; to confer chancery jurisdiction on said circuit court as to matters arising in Autauga, Elmore and Chilton counties, and to provide registers in chancery therein; to provide for the removal of the pending cause, and remanding of pending appeals to the new court; to regulate the convening of grand and petit juries in said circuit; to authorize the judge of said circuit to adopt reasonable rules of practice to facilitate the business of the court.

Chas. B. Teasley.

Wetumpka, Dec. 28, 1906.

I. H. H. Golson, publisher of the Weekly Herald, hereby certify that the attached notice was published in "the Weekly Herald," a newspaper published in Wetumpka, Elmore county, Alabama, once a week, for four consecutive weeks beginning November 22, 1906, and ending December 20, 1906.

H. H. Golson, Manager Herald.

Sworn to and subscribed before me, this the 28th day of December, 1906.

H. J. Lancaster.

Judge of Probate, Elmore County.

To whom it may concern :

Notice is hereby given that at the next ensuing session of the Legislature of Alabama a bill will be introduced to provide for an additional judicial circuit for the State of Alabama, to be composed of the counties of Autauga, Elmore, Chilton and Montgomery, and for the withdrawal of said counties from their present circuits; to provide for the temporary appointment of a judge and solicitor for said circuit, and for their salaries; to regulate the duties and residence of the solicitor; to provide times of holding court in said circuit; to confer chancery jurisdiction on said circuit court as to matters arising in Autauga, Elmore and Chilton counties and provide for registers in chancery therein; to provide for the re-

removal of pending causes, and remanding of pending appeals to the new court; to regulate the convening of grand and petit juries in said circuit; to authorize the judge of said circuit to adopt reasonable rules of practice to facilitate the business of the county.

Charles B. Teasley.

The State of Alabama, }  
Montgomery County. }

Before me, Rica Alexander, a notary public in and for said county in said State, personally appeared H. B. Pilley, Jr., who being by me first duly sworn on oath deposes and says that he is the advertising clerk of "the Montgomery Advertiser" a newspaper published in the city of Montgomery, Alabama, that the notice above written has been published in "the Montgomery Advertiser" for four consecutive weeks, the fourth week of such publication expiring on the 10th day of December, 1906.

Henry Pilley, Jr.

Sworn to and subscribed before me on this the 23rd day of January, 1907.

Rica Alexander.

Notary Public, Montgomery County.

S. 48. To create the Fourteenth (14) judicial circuit for the State of Alabama, to be composed of the counties of **Autauga, Chilton, Elmore and Montgomery**; to confer equity jurisdiction on said court as to matters arising in **Autauga, Elmore and Chilton** counties, and provide for registers in chancery therein; to provide for the appointment of a judge and solicitor for said court and for the removal of pending causes and the remanding of pending appeals to the new court; to regulate the convening of grand and petit juries in said circuit and to authorize the judge of said circuit court to adopt reasonable rules of practice to facilitate the business of the court.

Revision of Laws.

By Mr. Reese:

S. 49. To prohibit the sale, purchase or carrying of brass knucks, sling shots, or weapons of like kind; or dirks or daggers.

Revision of Laws.

Also:

S. 50. To provide for the selection of jurors in the trial of defendants charged with carrying concealed weapons.

Judiciary.

Also:

S. 51. To provide that all bonds of contracts of surety, guaranty or indemnity made or entered into by any foreign corporation to secure the performance of any act or contract to be performed in this State shall be governed by the laws of this State.

Revision of Laws.

Also:

S. 52. To further regulate and to prohibit the dealing in future contracts in the State of Alabama.

Judiciary.

#### NOTICE.

Notice is hereby given to all concerned that application will be made to the Legislature of Alabama at the session thereof beginning in January, 1907, for the passage of a law, the substance of which will be to create the office of deputy solicitor for Dallas county to be appointed by the solicitor of the fourth judicial circuit and to assist the said circuit solicitor and to perform such services as he may be directed by said circuit solicitor and to further define his duties and to fix his compensation not to exceed seventeen hundred dollars, to be paid out of the solicitor's fees in misdemeanor cases convicted in the city court of Selma and the said circuit court of Dallas county.

The State of Alabama, }  
Dallas County. }

Before me, P. J. Loughlin, a notary public, in and for said State and county, personally appeared J. C. Adler



who being duly sworn deposes and says, that he is the proprietor and editor of "the Selma Times" a newspaper published in Selma, in said county, and that the notice of proposed legislation hereto attached was published for four consecutive weeks prior to the date of making this affidavit.

J. C. Adler.

Sworn and subscribed to before me this the 12th day of January, A. D. 1907.

P. J. Loughlin,  
Notary Public, Dallas County, Ala.

S. 53. To create the office of deputy solicitor for Dallas county, define his duties and fix his compensation.

Local Legislation.

By Mr. Reese, (notice and proof), as follows:

#### NOTICE.

Notice is hereby given to all concerned that application will be made to the Legislature of Alabama at the session thereof beginning in January, 1907, for the passage of a law altering the boundaries of Selma, a municipal corporation in Dallas county, Alabama, so as to include within the corporate limits thereof that territory lying within the county of Dallas, in said State, described and bounded as follows, to-wit:

Beginning at a point where the east bank of Valley Creek intersects the north bank of the Alabama river at low water mark; thence northerly along the east bank of Valley Creek with the meanderings thereof to a point on said creek where the same intersects the northern line of the right of way of the Southern Railroad Company's railroad track; thence easterly along the north line of said right of way of said Southern Railroad Company to a point where said northern line of said right of way intersects the east margin of said Maple street, thence northerly along the east margin of said Maple street and

along the public road leading from Summerfield to Selma commonly called the "Summerfield Road" to a point on the east margin of said road which would be on the south margin of Third Avenue if extended to said point; thence east to the west margin of Broad street; thence south along the west margin of Broad street to a point which would be coincident with the south margin of Second avenue if extended; thence east to the east margin of Franklin street; thence north along the east margin of Franklin street, to a point opposite the point of intersection of the west margin of Franklin street with the south margin of Fifth avenue; thence east to a point which is coincident with the west margin of Green street extended; thence south to the south margin of First avenue; thence east along said south margin to the west margin of Range avenue of Range Line road; thence north along said west margin of said street or road to a point opposite intersection made by the east margin of said range avenue with the south margin of that part of Second avenue lying east of Range avenue; thence east along said south margin of Second avenue and Jackson avenue to the west margin of Mechanic street; thence south along west margin of Mechanic street to the south margin of Summer avenue; thence east to the west margin of Long street the line between sections 29 and 30, township 17, range 11, being in said street; thence south to the northerly bank of Beak Creek; thence along the northerly bank of said creek with the meanderings thereof to the northerly bank of the Alabama river; thence south to the south bank of the Alabama river; thence westerly along the south bank of the Alabama river to a point due south of the intersection of the east margin of Valley Creek at a low water mark; thence due north to the point of beginning.

C. C. Grayson,

Chairman Legislative Committee of Selma.

The State of Alabama, }  
County of Dallas. }

Personally appeared before me, Robert C. Young, a notary public in and for said county and State, Floyd

S. Kincey, publisher of the Selma Journal, who, being first duly sworn, states that the annexed publication has been regularly made once a week for four consecutive weeks to-wit: On the 12th, 19th, and 23d days of December, 1906, and on the 2nd day of January, 1907, in the Selma Journal, a newspaper printed and published in the city of Selma, and county and State aforesaid.

Floyd S. Kincey.

Sworn to and subscribed before me this the 8th day of January, A. D., 1907.

Robert C. Young,  
Notary Public for Dallas County, Alabama.

S. 54. To alter and fix the boundaries of Selma, a municipal corporation in Dallas county, Alabama.

Local Legislation.

By Mr. Reese, (with notice and proof) as follows:

The State of Alabama, }  
County of Dallas. }

#### NOTICE.

Notice is hereby given that a bill will be introduced in the next Legislature of Alabama providing for an appropriation of ten thousand dollars annually for four consecutive years for the Central Alabama Fair Association for the purpose of encouraging agricultural pursuits and the raising of live stock by the citizens of the State.

R. H. Mangum, Secretary.

Before me, J. L. Bishop, a notary public in and for said State and county, this day personally appeared H. B. Kincey, who, being first duly sworn, on oath deposes and says that he is the publisher and proprietor of the Selma Mirror, a newspaper published in the city of Selma, county of Dallas and State of Alabama; that the above hereto attached notice was printed and published in said the Selma Mirror, without cost to the State of

Alabama, at least once a week for four consecutive weeks prior to this the 4th day of January, 1907.

H. B. Kincey.

Sworn to and subscribed before me this the 14th day of January, 1907.

J. L. Bishop,

Notary Public in and for Dallas County, Alabama.

S. 55. To appropriate ten thousand dollars annually for four successive years to the Central Alabama Fair Association for the purpose of encouraging agricultural pursuits and the raising of live stock within the State by citizens thereof.

Finance and Taxation.

By Mr. Reese:

S. 56. To amend section 3242 and section 3243 of the Code of Alabama of 1896.

Revision of Laws.

By Mr. Reese:

S. 57. To exempt persons honorably discharged from the army, navy, or marine corps of the Confederate States from the payment of license tax for engaging in any useful art, profession or trade.

Finance and Taxation.

Also:

S. 58. To regulate the possession and carrying of fire arms to provide for the payment of license tax therefor, and to prescribe punishment for violation of the provisions of this act.

Judiciary.

Also:

S. 59. To amend section 871 of the Code of Alabama.

Revision of Laws.

Also:

S. 60. To regulate and fix the status of surety, guaranty, and indemnity bonds in cases of deviation and departures from and alterations of the contract or obligation secured by such bonds.

Finance and Taxation.

By Mr. McWhorter :

S. 61. To establish a colony for epileptics in Alabama and to provide means for carrying the same into effect.  
Public Health.

By Mr. Hamner :

S. 62. To fix the weights and measures and to regulate the trade in corn, meal and flour, and to prohibit packing, or dealing in so called short weight packages.  
Judiciary.

#### MOTION.

On motion of Mr. Reese, a committee of three Senators was appointed to escort Lieutenant Governor Henry B. Gray to the chair of the Senate, and the President appointed as a committee Messrs: Reese, Miller and Teasley.

#### RESOLUTION.

Mr. Doster offered the following resolution, and on a suspension of the rules the same was put upon its immediate passage and adopted.

S. R. 8. Resolved by the Senate, That we express our great appreciation to the retiring Lieutenant Governor Hon. R. M. Cunningham, for the able, faithful and impartial manner he has discharged the duties as **presiding officer of the Senate.**

Mr. Reynolds offered the following:

#### SENATE JOINT RESOLUTION.

S. J. R. 9. Memorializing Congress to pass a law making it illegal for any collector of internal revenue to grant license to any dealer, retail or wholesale, of intoxicating liquors in any county or precinct in this State where the sale or other disposition of said liquors is by the laws of Alabama illegal.

Whereas, the sale of intoxicating liquors or otherwise disposing of same is by the laws of Alabama illegal in a large part of Alabama, and

Whereas, the granting of license as retail liquor dealer by the laws or agents of the United States to various persons in said territory where by the laws of Alabama it is unlawful to dispose of intoxicating liquors encourages the persons to whom said licenses are granted to violate the laws of Alabama in this regard, and

Whereas, it should be the policy of the Federal government to assist a sovereign State in the maintenance of her laws and securing obedience thereto, and whereas the granting of the licenses named above under the conditions named is the greatest obstacle which the authorities of this State meet within their attempts to enforce said laws, and is a potent cause of blind tigers in this State, therefore, be it resolved by the Senate, the House concurring, that we memorialize our Senators and Representatives in Congress, as well as Congress itself, to pass a law prohibiting the granting of said license to dealers in said intoxicating liquors in the territory named above where the sale of said liquors is by State laws made illegal.

While was referred to the Committee on Rules.

#### RESOLUTIONS.

Mr. Reese offered the following resolution:

S. R. 10. Resolved by the Senate of Alabama, that the Senator from Dallas county (Reese) be excused from further service on the Committee on Revision of the Journal.

Which resolution was referred to the Committee on Rules.

Also the following resolution:

S. R. 11. Whereas, the people of Alabama, by a unanimous vote, have declared their choice of Honorable John T. Morgan and Edmund W. Pettus to succeed themselves in their present exalted positions as Senators of the United States from the State of Alabama; and,

Whereas, the Senate of the United States is now in session and our Senators are engaged actively and daily in the transaction of important public business, the dis-

charge of which might be interrupted by their return to this State at this time; and,

Whereas, appreciating in the highest degree their services to the State and the country, and desiring to testify our views in this regard, and believing that their return to the State at this time, while a great pleasure to them and to us, might interfere with their public duties which have ever been the first claim upon their consideration.

Now, therefore, be it resolved by the Senate of Alabama, the House of Representatives concurring, that we send our greeting to these distinguished Senators and say that it is the desire of the Legislature of Alabama that if in their opinion their public duties require their presence in Washington, it will be entirely unnecessary for them to be present at the time of their re-election by this Legislature.

Which was, under a suspension of the rules, put upon its immediate passage and adopted.

#### MESSAGE FROM THE GOVERNOR.

Montgomery, Jan. 15, 1907.

Mr. President:

I am directed by the Governor to communicate to the Senate messages in writing with accompanying documents.

William E. Fort,  
Private Secretary.

#### EXECUTIVE SESSION.

On motion of Mr. Lusk at 11:45 o'clock a. m. the Senate went into executive session to consider the Governor's message.

After some time spent in executive session, the same was dissolved and the doors of the Senate re-opened. The Secretary of the Senate was instructed to notify the Governor of the confirmation of the nomination made by him, and to spread the result of said executive session on the Journal.

In executive session, the Senate confirmed the appointment of Hon. Bibb Graves as Adjutant General.

## GOVERNOR'S MESSAGE.

*To the Senate and House of Representatives :*

In accepting the great trust conferred upon me by the people of Alabama in nominating and electing me governor, there seems little need of extensive statement of the principles which shall guide me in the discharge of my official duties. On many occasions, in numerous addresses to the people and in frequent communications through the press and by circular I have expressed my views concerning State affairs and existing conditions. You will understand that in the last campaign for State offices there practically was no disagreement as to the vital issues which concern the people of Alabama. The selection of officials turned largely upon the question, who the people thought would best carry their demands into statutes and into execution for their benefit. Not only was there no pronounced disagreement as to vital issues before the people, but none developed in the state convention of September 10, 1906, which was one of the most representative assemblages of Alabamians since the civil war. That convention without a dissenting vote adopted and promulgated a platform, clearly setting forth the views and defining the demands of the people on the great issues of the times. So forceful was this platform, so clear cut and mandatory to you and to me, and to all loyal democrats, that I feel it incumbent upon me to reiterate its demands, suggesting, advising and praying that you enact them into statutes, thereby placing the responsibility of their execution upon the administrative and judicial branches of our state government. I most earnestly recommend and urge that you make the strongest laws possible, embracing all these demands, making them so plain as to render understanding of them unmistakable and their observance and enforcement easy and certain. There were many things, of course, not touched



upon by the convention, nor alluded to in the debates in the campaign, nor embraced in the platform, which are very important, and must be considered and acted upon with prudence and wisdom.

#### THE STATE HAS PROGRESSED.

The state has progressed wonderfully within the last twenty years. Formerly a strictly agricultural people, marketing only cotton, now we have added coal, iron, steel, cement and lumber, and cotton, wood, iron and steel manufactures, and largely advanced mercantile interests; to properly develop and exploit these, and properly place the people of this state in a position commensurate with the full development and utility of their advancement, it will be necessary to change in many respects the economic laws of the state. We should place our benevolent and educational systems on a much higher plane, with broader scope, making the former adequate, and reaching with the latter from the remotest rural schools, through grades of higher and still higher education, to our university. We should come to understand that money spent in these causes, though apparently lavish, is not misspent because we must meet these great responsibilities in the most liberal way.

We should make our judicial system adequate to the advancement of the people. We should enforce, with strong hand and sufficient protection, the quick and sure execution of the laws, driving out of our borders those with criminal instincts, habits and practices. We should remedy that tardiness of the law which has become a part of our court procedure, on account of inadequate facilities, and should insure to the people justice, speedy as well as sure. We should disbar the technicalities of the law, insofar as proper execution of justice demands, making of our courts such prompt and complete administrators of the law and justice that even those who suffer from the most heinous offenses will be willing to trust to this great protective design of civilization and eliminate a disposition to again violate the law by taking the execution of the law into their own hands.

The transportation charges and methods of our railroads, river, express, telegraph, telephone and other public service corporations are crude in the extreme. We fully recognize that the railroads and other public service corporations are entitled to just returns on their investment in this State, provided exorbitant charges are not exacted. In all their legitimate interests such corporations are entitled to protection by law. We recognize the rights of all corporations which conform to the laws to do business in our state, their rights and privileges being protected in the same measure as the rights and privileges of any other citizen or strictly private corporation, and I pledge the faith of this administration to the full protection of our corporations in the proper exercise of their lawful functions. At the same time, we recognize the rights and privileges of the citizen, whether he be a manufacturer, producer, a laborer or a consumer. All political economy teaches that the best interests of the State are protected when the rights and interests of these classes are fully safeguarded by the law. In the last analysis, where the interests of the corporation and the masses clash and are at hazard, if one or the other must take the risk of injury or loss, statecraft, with unerring judgment, decrees that it is less dangerous first to secure the interests of the people. Just as the bottom rail of a good fence should be picked as the soundest and best, just so the manufacturer, producer, consumer and laborer, constituting the bottom rail of our State's economics, should have our first attention, careful and protective.

While the following recommendations for the protection of the people may be some interested interests be called drastic and destructive, they are no innovations on the customs of sovereign states, and I have only to cite the enforcement of the law as prevailing in Texas for many years, and in Iowa and Illinois for many years, and in Virginia, North Carolina and Georgia for the conclusiveness of what otherwise might be called an experiment; I cite to you the relations between and charges in those states by the public service corporations, in contrast with the same conditions in Alabama. All

of these states have clearly defined law-made freight rates, express rates and telegraph rates; Alabama has, according to the recent history of the State, the protection of "the conscience" of the carriers and public service corporations, and that conscience, by their own admission, "limited to what the traffic will stand."

Alabama has been kind and generous to the railroads and public service corporations. The state has given much money and large areas of land and valuable franchises, and according to the admission of the railroads the "fairest laws" and the most unrestricted conduct in the management of their affairs, perhaps, of any State in the Union. With these generous conditions and "fairest laws," the railroads and public service corporations have taxed our people with the highest freight rates and charges, the lowest tax valuation, in many instances the poorest car service, and the most arbitrary and one-sided rules and regulations, that prevail in any of the states through which they run or do business. They have maintained at our capitol a paid lobby for the purpose of influencing and dominating our laws; their agents have even occupied our capitol without any apparent recognition of the evil of it; they have used graft and money on our electorate for the purpose of controlling our elections; they have multiplied their stocks and securities without proper foundation, and claim the right within our law to tax the people a sufficient sum to pay interest thereon. All history shows that corporate greed, unrestricted, sooner or later regards the people as altogether proper subjects for their taxation, spoliation and plundering. The situation is most dangerous to the proper development of our state and the proper security of our citizens.

#### NEW RAILROAD COMMISSION LAW.

In conformity with the demands of the people and the platform of the democratic party, and for the purpose of securing the people against these onerous and destructive conditions, I recommend a railroad commis-

sion law, giving the railroad commission adequate power and means to make investigations concerning the rules of railroads, their charges and their methods of doing business, and to put restriction on their charges and to establish between these corporations and the people such rules and regulations for business and service as will be fair and just to both parties alike.

The present railroad commission law was a compromise measure and of doubtful validity, and should be supplanted by another, giving said railroad commission plenary power and adequate means to carry out these, the just demands of the people. It is my conviction that the platform carried the voice of the people, and it is your highest duty and mine to comply with its demands and enact and enforce laws in conformity therewith.

#### MAXIMUM RATES.

The state of Georgia through its commission more than twenty-five years ago established the price of freight on all the articles of common manufacture, production, consumption and use, and these rates have constantly been maintained since, and the evidence from Georgia is that all the railroads there have prospered. These rates are much lower by comparison than the same roads charge the freight-payers of Alabama. The tonnage of Alabama has outstripped that of Georgia and other neighboring states by far, and there is no reason why the price of freight on any road in Alabama should be higher than in Georgia or any other neighboring state. I recommend the enactment of laws fixing a maximum freight rate not to exceed the present freight rate in this state. In order to give to the freight-payers of Alabama the quickest relief and the surest relief, I recommend that you enact a statute naming the classification and rates of freight on all the articles of common manufacture, production, consumption and use not to exceed the present classification and rate on such articles in the State of Georgia, which rates shall not be increased ex-

cept by statute, but may be reduced by the railroad commission of the State, or by the carriers themselves.

I recommend the enactment of a law, fixing a maximum passenger rate of two and a half cents per mile on all railroads in Alabama.

#### WATERWAYS.

The port of Mobile and the water-ways of the State are the most valuable assets of the State. These assets are now throttled by the railroads. They are intended by the large expenditures made on them by the government, and intended by nature to be of the greatest use to the State; the regulation of the intra-state traffic depends in the largest measure upon their use, and it is akin to criminality to allow them to be held in such utter uselessness as at present; being neither freight carriers nor freight rate makers.

I recommend the enactment of laws requiring that all railroads operated in this State shall give said port and waterways the recognition their importance deserves, and that they may be made basing points for fixing rates into and through the State; and that you authorize the railroad commission to incur any needed expense to carry out this requirement, and that you enact all necessary legislation in this particular.

#### WATERED STOCK.

Railroads and other public service corporations have at their volition increased or watered their capital stock and securities without regard to the true value of their properties. Under the law they claim the right to assess the people taxes to cover interest on securities whether stocks or bonds. The State owes it to its citizens to intervene protection against these specious securities. Therefore, I suggest a law that in the reorganization of any road or public service corporation, or in the building or erecting of any new road or public service corporation that the amount of securities that may be issued against its properties must be submitted to a commission with

the proper authority to cause a survey of the property or properties, with reference to the proposed valuation, and that such valuation be limited to the result of that survey or report, and no securities shall be issued against those properties without the authorization of that commission.

I recommend laws prohibiting the increase of capital stock or securities by railroads and other public service corporations doing business in this State, unless the proposed increase of said stock or securities be first submitted to the railroad commission of the State, or other proper authority, and approved by said commission or said authority.

#### ONE FREIGHT TARIFF.

The practice in this State for one railroad company, owning two or more lines within the State, to use freight tariffs as if all these lines were individual or separate roads, is very much to the disadvantage and cost of the shippers. I therefore suggest that any railroad which owns and operates any other railroad in the State, shall be required to have one general freight tariff, and the cost and charge of the freight shall be based on a mileage as one continuous line and not as the sum of two locals.

And I further suggest a statute requiring that, where one railroad owns the majority of the stock of any other in the State, the business of the two shall be conducted, so far as freight tariffs are concerned, as one railroad.

#### CAR SERVICE AND DEMURRAGE.

The car service and demurrage rules established by the railroads, imposing a charge against the shipper or consignee for the detention of cars, or delay in taking the freight from the depots, are correct in the principle that no one has a right to use or retain the property of another without paying for same. But these rules are entirely one-sided, they are made by the railroads themselves. They impose charges and penalties upon the

shipper alone, and when on account of their own negligence and delays the shipper suffers like loss for their failure to deliver or move his goods promptly, or within a reasonable time, there is no corresponding charge to reimburse him. This is manifestly unjust, and I recommend laws that car service and demurrage rules be enforced by the railroad commission, treating both parties alike in the matter of forfeitures or pay for unreasonable detention and unreasonable service.

#### REBATES.

I recommend laws prohibiting the giving of rebates by common carriers in this State and prohibiting the acceptance of same by shippers.

#### DISCRIMINATIONS.

I recommend a law preventing discrimination in the price of freight to the shippers of the State, establishing that any shipper of carload lots shall have the same rate as any other shipper of carload lots—the same rule of equity to apply to any shipper in less than carload lots and prevent discrimination of every kind or character by any public service corporation. It is not to the interest of our State that there should be discrimination against any industry, any business or any man.

I recommend the enactment of laws, requiring common carriers to supply shippers without discrimination with adequate facilities for the prompt moving of their freight and the imposition of such penalties on said carriers as will force them to supply such means of transportation and prevent discrimination.

#### INSPECTION OF BOOKS.

I recommend the enactment of laws, requiring common carriers in this State to submit their books, papers and records to the inspection of the railroad commission or other proper authority, and also to submit their agents to an examination under oath by said railroad

commission or other proper authority, for the purpose of determining the actual amount of capital invested in their properties in this State as well as their earnings and expenses in operating their lines within our borders. I further recommend that the railroad commission of Alabama, or other authority, charged with this investigation, shall be supplied with ample means out of the revenues of this State for making such inspection and examination.

#### CLAIMS.

The method of the payment of claims for lost or damaged freight and stock killed by the roads, and for loss for the non-performance of their duties and contracts, is very irregular. While some of these claims are settled promptly, the settlement of a very great many are delayed for months, even years, and many of them lost entirely. The carriers themselves recognizing the importance of the prompt settlement of such claims when due them, enforce the rule that they will deliver no more freight until their claims are settled. In other words, establishing a law unto themselves for quick and inexorable settlement and without cost to them of a suit. I recommend a statute requiring the prompt adjusting of these claims; and when correct, the prompt payment of them, and some method of collecting such claims that will also be without loss to the party to whom they are due. This is made necessary by the policy of many of the roads to carry these claims from court to court, evidently for the purpose of wearing out claimants and making too costly an appeal to the courts by the party suffering.

#### EQUALIZATION OF VALUES.

The railroads maintain three sets of values in the State, one the amount of their stock, bond and security issues; another to the State Auditor for the purpose of being taxed for the benefit of the State, which is their lowest valuation; and the other given the railroad com-



mission for the purpose of taxing the people of the State, which is the highest valuation, and on which they claim are entitled to earn eight (8) per cent. As it is right for the State to tax them only on actual value, and as it is the law that they shall be entitled to earn, where there is no extortion, interest on actual value, and as the freight rates must in the largest measure be based on this value, it is necessary for the State to ascertain and fix that value. I recommend that the railroad commission be empowered to hire experts to ascertain the actual mileage, both main lines and side tracks, the value of terminal facilities and rolling stock, and of any other property and asset, and to ascertain in connection with the railroads themselves, the true value of these properties and have them so listed for taxation, and have them in evidence in the very important matter of fixing fair freight rates for the State, and I suggest that you enact laws to carry this out, and appropriate adequate means to be paid from the treasury to cover the expenses.

#### LOBBYING.

A paid lobby swarming our capitol and interfering with our legislators, is in the highest sense debauching, destructive and hindering to equitable legislation. Only the rich can afford to pay a lobby. This, in itself, would tend to make the laws, which propose to control and restrict the strong and the corporations, partial to the very parties proposed to be controlled, and I recommend the enactment of a law requiring any and all employed agents, attorneys or representatives for special interests, who desire to present their views, or views of their principals or clients in regard to pending or anticipated legislation, to register in special books, to be kept by the clerk of the House of Representatives and by the clerk of the Senate for that purpose, which book or books shall at all times be kept open to inspection by any person, the following statement of facts concerning themselves and their employment, viz: 1. The name and residence of said agent,

attorney or representative. 2. The name and principal business office or address of the person, partnership or corporation represented, together with the occupation of said person, partnership or corporation. 3. The legislation in which the person, partnership or corporation thus represented by him is interested. 4. The compensation paid, or agreed to be paid to, or received by said agent, attorney or representative for his services in behalf of said person, partnership or corporation.

#### DOMESTICATION OF CORPORATIONS.

The practice of exploiting Alabama franchises by other States is dangerous and destructive to our business interest. I recommend laws requiring any corporation whatsoever, before doing business in this State, to become domestic corporations in accordance with our laws, and I recommend that suitable and liberal laws for their domestication be enacted.

#### CORPORATIONS IN POLITICS.

The practice by corporations whether public service corporations or corporations in private interest, of contributing to campaign funds or a political party or candidate is debauching, demoralizing and destructive to the best interest of the people. I suggest the enactment of laws prohibiting and preventing this, and also recommend the enactment of laws prohibiting and preventing the use of money by corporations directly, or indirectly, ~~for the purpose of influencing any election, or any legislature, or any officer of state, city or county.~~ I urge stringent laws to eradicate this evil.

I recommend the enactment of a law prohibiting corporations from requiring or permitting their employees, servants or agents to work in political contests.

#### FREE PASSES.

I recommend the enactment of laws imposing adequate penalties on common carriers or public service

corporations for the issuing of free passes of every character and the rendering of free service of every character to any person or persons, except actual bona fide employees and members of their families.

And I further recommend that proper penalties be imposed on any person or persons accepting any such passes or free services issued or given by said carriers or public service corporations.

#### RIGHTS OF EMPLOYEES.

I recommend laws giving to employees of common carriers in this State rights and remedies equal to those given by the recent act of Congress to employees of interstate carriers.

#### PERSONAL DAMAGES.

I recommend the enactment of a law which will give the citizens of this State the same or equal protection in claims for damages on account of injury or death that citizens of this State now have by law in claims for damages on account of injury to cattle and things.

#### SUNDAY OBSERVANCE.

I recommend the enactment of laws requiring railroad corporations to observe the Sabbath day by prohibiting them from operating freight trains in this State on the said day, except for the transportation of perishable freight.

#### PUBLIC SERVICE CORPORATIONS.

Express, telephone, telegraph and all other public service corporations should be put under State control. I suggest that you enact statutes placing them under the control of the railroad commission, and having their charges, rules and methods, in relation to public service, subject to the same general laws that you make to establish said relations between the railroads and the railroad commission.

## TAXATION.

To carry out the requirements of the State government, a very large amount of money will be required. As you know, the money of the State is derived by taxation, whether it be license or direct tax; all the same it is taxation. I will caution you that too low a tax and too little money to meet the economic and just demands of the State are just as dangerous as too high a tax, and too much money are oppressive, burdensome and debauching. A good government is not necessarily a cheap government; you can carry your smallness of appropriations and stinginess of method to an extent that would be most hurtful to the very best interests of the people. Mr. Flower, one of the greatest governors New York state ever had, contended that you had to spend money to make the most successful conditions, both as to business and government. In State affairs this means that you have got to keep to a vigorous standard of excellence the benevolences, the judiciary and educational vitalities of the State. These things I am sure you will agree should be done as an economy and not as a charity of the State.

It is a mistaken idea that our treasury is overflowing with money; the treasury can have no more funds than its sources will supply. It is true it is full today; it is true that you can empty it by appropriations, and that when you have once used it, unless the sources of supply will meet the appropriations of today and the cumulative appropriations of the four years to come, you will be in the condition of the Prodigal Son.

The Auditor's report, page 15, shows on October 1, 1905, there was in the State treasury a cash balance of \$1,401,542.73; on December 1, succeeding there was \$500,952.52. Auditor's report, page 16, September 30, 1906, shows \$1,814,853.37; on December 1, succeeding there was 1,085,725.17. From this statement you can see that there are not millions in the treasury, as the treasury has no more than the amounts named on December 1 of each year, and if there had been appropriations for more than these amounts there would have been a deficit.

I estimate that with the present valuation of taxable property in the State, at the present rate of taxation, that the State will have for each year for the next four years a surplus of about \$400,000. In other words, with the present status of valuation and taxation, it will be only safe to use for cumulative appropriations about \$400,000 per annum. But it is notorious that a very great deal of the properties of the State are without parity in tax valuation, and the State owes it to every citizen to adopt some method of equalized taxation which will secure practical equality of valuations to all. It is right that a man should pay taxes on his property at a fair valuation, if it consists of ten head of cattle, two mules, a wagon, buggy and fifty acres of land; it is right that a man should pay on the same standard if he has 1000 head of cattle, 100 mules and 1000 or 10,000 acres of land. It is equally right that a man should pay the same ad valorem of valuation if he has property worth one million or hundreds of millions, and it is also right that he should pay on property whether that property be a stock of goods worth \$1000, or a franchise worth a million, or timber lands held for sawmill purposes with the taxable valuation entirely in the timber; as soon as the timber is cut the taxable interest of the State will be gone. The taxable valuation of timber land is a very different proposition to the fifty acres, 100 acres, or 1000 acres of the timber land of the farmer held on his place for farm purposes, and which will stay there indefinitely as a taxable value for the State, and this difference should be so listed in the taxable returns of the State.

A man with large holdings of city property and public service property, a man with thousands of acres of coal and ore lands, a man with a franchise worth a million or tens of millions, a man with a railroad worth many millions should ratably and proportionately pay his share of the taxes; as a rule none of them pay it. Right here I will call attention to the growing prejudice against corporations, and my belief is that one of the causes of prejudice against corporations is the successful manner in which the large holders secure the lion's

share of government protection and pay the least part of the cost for that protection. It is too evident that the tax values of the properties of the State require equalizing. There is a great deal being said about the tax values of farm lands and the smallness of same. If the tax values of the State were equalized, bearing on every property alike, the strong like the weak, the rich like the poor, would pay in proportion to their property holdings, on the same parity of value, and it is the judgment of all that the monies of the State should be ample to meet every reasonable requirement of the State. If you will accomplish without fear or favor this great end your economic appropriations will be safe and the administrative task easy.

#### STATE BOARD OF ASSESSORS.

The tax values of the State are very crude, irregular and unequal. Time has shown that it is practically impossible for the tax assessors of the different counties to establish equitable and just values of the properties, and particularly so when it comes to the comparative relations of the different counties in the State. Therefore, I suggest that you establish a State assessing board, composed of three members, giving them general supervision of the tax assessments of the State, and whose duty it shall be to equalize the values of all property in the State so that the same general relation will be established for assessing tax values on all the property in all of the counties of the State.

I recommend that railroad properties and the properties of other public service corporations in this State shall be assessed for taxation at a valuation in proportion to the valuation they give in for the purpose of fixing freight rates and charges on the people of the State.

I recommend that franchises, which have a money value, shall be classed as any other property in the State, and shall be valued as any other property in the State and pay taxes.

## ASSETS AND LIABILITIES.

The assets of the State, according to the Auditor's report September 30, 1906, page 16, were 1,814,453.37 in the treasury, and liabilities, or regular appropriations, against same of \$1,481,343.47, leaving \$333,108.90 balance in cash in the treasury after all demands paid. As per the Auditor's report on December 1, 1906, there were \$1,085,725.17 against which there were an unpaid balance of \$50,000 for capitol improvement, an unpaid balance to the common school fund of \$894,977.53, the 2 and 3 per cent. fund of \$3,264.39 and the Polytechnic Institute balance of \$10,293.75, making \$968,475.54. In other words, if the State's debts at that time had been paid, there would have been a balance in the treasury December 1, 1906, of only \$117,249.63. In the event the State had appropriated last year \$1,085,725.17 more than it did, there would not have been anything in the treasury to pay the charges against the State. Referring again to page 16 of the Auditor's report, showing the net surplus of \$337,000, it would seem that this is a safe amount, subject to any cumulative appropriations that you might make, and by the Auditor's report December 1, 1906, of \$1,085,725.17 in the treasury, if you were to make individual and cumulative appropriations to that amount, you would consume all the money in the treasury and it would not be safe to go beyond that amount.

This condition of the State's funds does not evidence millions in the treasury. It is true that at some seasons of the year when the taxes are practically all in and the appropriations not due and not paid, the amount in the treasury looks large, but at other times of the year when more of the State's indebtedness is paid, the amount in the treasury is very much smaller, and it would be very dangerous for you to make appropriations based on the maximum amount in the treasury. You can safely base your appropriations only on the minimum amount in the treasury; it does the State's credit no good to be compelled to go out and borrow money to meet an expense account. To make safe annual in-

creased appropriations up to \$1,000,000, I have discounted that you will establish a method to equalize the assessed valuation of property for taxation and consequent increased tax returns of the State that I think will give the State an increased assessment of \$75,000,000 a year, and tax returns from that amount.

I would suggest, therefore, that you appropriate first for the care of our most urgent requirements those which are absolutely necessary, and bring the most lasting benefits, and which should not under any circumstances be put aside or compromised. The treasury of the State cannot be likened to the fruit in an orchard that is distant from the watchful care of its owner, apparently licensing any passer to step in and help himself; it must be under the most watchful care and guard of the protectors and lawmakers of the State, and not necessarily subject to the promotion of the various schemes which will be presented to you. We must all remember that these monies come from taxes, levied on the properties of the State and should be used, not as liberalities, but for those just and economical demands which build up the properties and interests of the State. The establishing of new offices and new expense is easy, the maintenance of them will be an additional charge on the properties of the State, and should be entered into only after the most prudent investigation and deliberation.

#### SUB-TREASURIES.

The State's method of keeping its monies out of use, hid away in vaults, is akin to the old system of putting money in your stocking or hiding it away in a stump, behind a jamb, or under the bricks of the fireplace. Aside from the danger of this method, it is quite a loss to the business interest that this money should be locked away from the channels of trade. And I would suggest the enactment of a statute authorizing the State Treasurer, with whatever adjuncts of co-operation or advice you may deem best, to deposit this money with the banks of the State under clear conditions of security by depositing with the treasury State bonds; and also some



plan of competition as to the amount of interest to be paid on said deposits, and the method of distributing through the State according to the requirements and best interests of the treasury.

#### CONVICTS.

The present arrangement governing our convicts seems to be giving reasonably humane treatment to the convict and large revenue to the State, meaning by humane treatment that consideration commensurate with the nature and condition of their employment, the State having changed its policy from attempting to give the convicts the hygienic conditions of a farm and outdoor exercise to the condition of more secure keep and larger earning capacity. "The way of the transgressor is hard;" it would be difficult to devise a system securing the deserved punishment, at the same time carrying out the full hygienic conditions and humanity of treatment. I would suggest that this arrangement lately instituted should be fully tested, making from time to time such improvements as may be necessary.

The methods of hiring and working and treatment of county convicts have been criticised. I would suggest your investigation, and remedial legislation.

#### JAILS.

The jails of Alabama for the keep and care of the prisoners are in a great many instances in a very crowded state and require your investigation and remedial legislation.

The practice of hiring the board and keep of a man in chains to anyone who expects to make money from the economy of it, or the saving of it, is wrong in principle and is obliged in a great many instances to bring about serious abuses. Besides being the object of cupidity in the making of money, it also excites the disposition to keep the jails full for the purpose of making more money. The State very wisely took the care of the convicts in its own hands when hiring them out be-

cause it was found by experience that serious abuses by not giving the proper food and good care were the result.

The report of the convict inspectors, Dr. Bragg chairman, shows this to be the case, and why should the State continue to practice out of date methods of farming out the care of prisoners of the State at so much per diem, when every history shows that this method has almost without exception been abused. A man in jail is in the custody of the State and humanity demands that he should have reasonable care. I suggest laws making it a part of the State's duty to feed its own prisoners, and also suggest a law to have a State inspector of the jails of the State. I think this would be in the interest of both humanity and economy.

#### THE YOUTHFUL OFFENDER.

The State has rightfully proposed to divide the two, that is, the adult and youthful convict. The first step in this line being the incipient home and school at East Lake. The work accomplished by the ladies with what subscriptions they could get from the public and the meager help from the counties and State has been wonderful; and the success of this work, bounded in as it has been by its meagerness of funds, is best attested by inspection of same. I strongly recommend that a sufficiency of the general fund be diverted to the upbuilding and enlarging of facilities for the care, not only of those there, but whatever of other numbers there may be necessary to be sent, to keep them separate and keep the best influences around these boys at the beginning of their life, giving them every opportunity that the State can furnish for reformation. As long as we recognize the principle that bad company is destructive even in our home life, how much more so must it be in the chained or convict life; and if we in our homes recognize the importance of securing good influences, how much higher is the duty of the State to separate these boys and give them the best influence rather than the worst?

I strongly recommend sufficient appropriation to secure dormitories and facilities for the keep of all the youthful criminals, and it will in the end, if there be anything in the axioms of life, be much more economic and upbuilding to the State, speaking on surface grounds alone, than to let them go on with the associations of adult and hardened convicts of the State.

#### MANUFACTURES.

It is evident that the tariff as a policy of the United States government is here to stay. It is also evident that Alabama being largely agricultural has not shared in this species of patronage and benefit given by the government. As a matter of State policy, we should give our people the opportunities for versatile employment, and should give our State a chance to share in that great wealth made by other States in the manufacturing of goods of every description, particularly that of cotton.

At 10 cents a pound our farmers make money and get a fair return on their lands and labor, and this wealth stays within the State. The average amount per pound which the manufacturer makes is 12 to 15 cents per pound; we could more than double the value of the pounds of cotton raised in the State by manufacturing it in the State. If the State could manufacture every pound of cotton that it grows, giving that much additional employment to the citizens of the State, and that much additional wealth and value to the economics of the State, it would be a great point achieved. Also the State is now one of the largest owners of timber lands and iron and coal lands. If we could but get an equitable adjustment of the freight rates within the State so as to encourage the building of industries, which use crude materials, it would tend more than anything else to increase the wealth of the State, and to increase the citizenship of the State, securing the diversification of interests that the United States government encourages by its tariff system, and the State in following the policy of the government perforce would best secure it by adopting the same lines.

## CHILD LABOR.

There is quite a development of cotton mills and mining interests in the State, and in both of these, particularly the former, boys and girls of tender age can be used. The best interest of the State demands that there should be a limitation of age and State supervision of their employment.

On the farm and in other outdoor work a continuance of labor is impossible on account of the vicissitudes of the weather. I suggest, therefore, that you introduce a graduated limitation of age, and also some method with regard to the introduction of compulsory education; thus, not only breaking into the possible continuity of indoor work, but also giving the advantages of education. At the same time, I will caution you that a great many people have gone to the mills to work because they have found by experience that they can earn more money and do better there than they can elsewhere, and in large families they can better take care of themselves with their earning capacity there than elsewhere, and it is a very serious matter for the State to assume the guardianship as to how and when these people shall work and direct and dictate to them by methods of law as to whether they shall or shall not work where they think to their best interest.

In the rural districts and in towns and cities there are many poor families, many poor families with children, and any one familiar with the conditions of such things would know that many of them could do better in the mill than elsewhere.

## BIENNIAL LEGISLATURES.

Quadrennial sessions of the Legislature are too infrequent to meet the requirements of a rapidly developing and advancing State, and oftentimes too long delay relief much needed by the people. Fifty days for legislation for four years are too short a time in which to make proper investigation of conditions and acquire proper knowledge for the preparation of statutes neces-

sary for the care of the people. I recommend an amendment to the Constitution of Alabama providing for biennial sessions.

#### ELECTION OF U. S. SENATORS.

I recommend that you pass a resolution requesting our congressmen to favor an amendment to the Federal Constitution, to have the Federal Senators elected by the people instead of by the Legislature, as at present.

#### PRIMARY ELECTIONS.

The selection by a primary of all the officers, county, State and federal, has proven very satisfactory to the people at large, and has no doubt best served the economic interest of the State. This method of making an officer directly responsible to all of the voters of the State, rather than having them selected by conventions, has proven more satisfactory, and I would suggest the enactment of statutes requiring the holding of a general primary the third Monday in August preceding a general election, in which primary all the political parties of the State can vote for the candidates of their choice, whether candidates be for federal or State offices, and the cost of holding said primary shall be paid for by the State.

#### POLITICAL WORKERS.

I recommend the enactment of laws prohibiting all persons who may be hereafter employed for political purposes from engaging in the work of said employment until they shall first register their names in a book to be kept for that purpose in the probate office of the county or counties, in which they propose to work and state under oath by whom they are employed, and the compensation they are receiving or expect to receive for such employment.

## THE MILITIA.

It is gratifying to note the high standard of efficiency and splendid organization of the Alabama National Guard. This standard should be maintained. I, therefore, recommend an adequate appropriation be made to this end and that every aid and encouragement be extended to our citizen soldiery.

## PUBLIC HEALTH.

The matter of safeguarding the public health is one which will command your consideration, and in this connection I desire to call your attention to the statement recently made by an eminent medical authority that one-seventh of all the deaths in Alabama annually are caused by tuberculosis, commonly known as consumption, and that not fewer than 15,000 persons in this State are now afflicted with this dreadful disease. Progressive states in all sections of the country are legislating for the prevention and suppression of the "great white plague," and I commend this subject to your earnest consideration.

## GOOD ROADS.

Transportation of whatever kind is one of the chief elements which enter into the cost of production and the creation of wealth, and its charges or costs, greater or less, largely influence the class of citizenship and the proportion of profit left to the producers of wealth, and we should encourage the counties of the State to maintain their public roads in the highest state of efficiency, and I recommend you to enact such statutes as may be necessary to carry this out.

## LIFE INSURANCE.

The recent investigation in New York of the largest life insurance companies have shown this business to be wonderfully profitable, and also showed that they were

gradually absorbing the money of the country. The proof evidenced great mismanagement of the companies, and a large amount of graft and debauching influence. For the proper protection of the people, and as far as practicable, to save within the State the money of the people, and gradually prevent that going out of the profits of the State, to build up such institutions without the State, I would suggest that you investigate the propriety of making the State the insurance agent for the people of the State, giving the people the benefit of the very best conditions and of the best companies, and legislating as far as practicable out of the State the foreign companies.

#### LOCAL OPTION.

There is almost a universal demand that we have a well defined and equitable local option law. This has been debated through the State and is clearly understood, I will simply suggest that is one of the essential features of our great democracy that the great majority shall rule.

#### BUCKET SHOPS.

I recommend the abolition and extermination of bucket shops and every other form of gambling in the State of Alabama.

#### IMMIGRATION.

There is a great demand for labor in nearly every industry of the State; unquestionably many industries are being retarded by the scarcity of labor, and there is quite a demand that the State should lend its aid towards securing more workers by importing them from lands across the sea. There has been some suggestion of bringing in cheap labor, coolies and South Italians. I understand that Alabama has only eight tenths of one per cent. of foreign population, and suggest that while it would be to the advantage of every species of interest,

to increase our citizenship it would be a very dangerous and hurtful proposition to increase that citizenship at the expense of the quality of citizenship. The introducing of a low class of labor under the general labor conditions of the State today, would tend to level our present labor and their pay to that class.

More than 40 per cent. of our population are negroes, furnishing a low order of labor. It is certainly a sufficient burden on the white men of the State to take care of, educate and build up the negro, and I can imagine no greater curse to the State than the introduction of a low class of white labor.

Statistics show that some 400,000 of our people have emigrated, evidently because the conditions outside of the State were better than those within the State. The present development and competitive demand for labor increasing wages, increasing the cost and value of product, would of itself tend to attract not only new labor, but also prevent the emigration of our own people.

Nearly all of our people are laborers, a very large per cent. of them do manual work, and very nearly all of the balance, whether as clerk or merchant, employer or employe, in the higher paid industrial and mercantile lines, depend on the price of labor for what they make, and you could strike no more vital blow at their welfare than to introduce a system of immigration that would tend to reduce the earning capacity of labor, on the farm or in the office or factory, or elsewhere. I would caution you to not be led across the best interests of our people and the future of our State by the clamor of those who to promote same present enterprise would lead you into the false position of introducing into our State a class of people that would hurt our best interest instead of amalgamating with our present citizenship and improving the future of the State. It is true that we want immigrants. Immigrants built Cullman county, immigrants have spread over all of our North, South and Southeast counties and a great many have come to Jefferson county, and they are still coming. This natural inflow and natural increase of our population will in time take care of a great many of our necessities. We



had better content ourselves with this influx and natural increase rather than take the risk of foreigners below a reasonable standard of excellence, and if the State gives aid, whether by the use of its name or means, to any immigration policy, it should be under many safeguards and restrictions.

#### THE NEGRO.

We have in Alabama 800,000 citizens of the colored or-negro race. These people are a part of our body politic, and our duty to them and to ourselves is to help to remove from their way every obstruction to successful progress.

I was born and reared in Barbour county; have been affiliated with negroes in business all of my life, first as slaves, afterwards as free men; have worked, and am working, large areas of farm lands today with them the only laborers, and am familiar with all the environments attending these two conditions. I have always felt a friendship and lively interest in their welfare, and these suggestions to you and to them will be with the intent of kindness and the wish for good.

I am grieved to say that there is more friction now between the races than there has been for years, and I believe that this friction is growing. How to stop and reverse the current is a question well worth our study and their attention.

It was an unfortunate experience the United States made to take negroes fresh from slavery, never a moment's education or information as to the principles and rules of government, without knowledge or experience of freedom, with no conception of the power or responsibilities of a free citizen and free ballot, and with no experience in even governing themselves; their leadership being that of the carpetbagger, a man new in our midst, with unsympathetic and entirely Shylock disposition, coupled with the scalawag, the publican of the South, and backed by federal troops lately marching as enemies. This conglomerate of ignorance, cupidity, vice and power was installed in governmental province and made the ruling factor of this State.

In other words, in its partisanship for the negro the United States government by its then ministers made the negroes of the South, the rulers of the South. This experiment was made in the face of the fact that like experiments have never succeeded. The experiment was made at the dictation of men whose descendants still in the control of the federal government have rightly sent the American army to Cuba, a foreign territory, to keep a high order of this class of men from accomplishing just what our negroes were, by the federal government, encouraged to accomplish in our own State. The descendants of these men have sent 20,000 troops, one-third of the United States army across the continent and ten thousand miles farther across the sea to keep a higher order of men from accomplishing the same thing in a country that they have owned for a thousand years, a people whose condition is superior to that class of men the same people made the ruling factors in the South. The 13th, 14th and 15th amendments, together with the United States army, were thrust under the negro of our State and over our citizens for the purpose of giving the negro a status that from the very nature of the case was impossible for him to fill. Experiments can be made in a hot house, exotics under forced conditions can be grown anywhere, but it must be as an individual, it can never be done as a genius or a race. Stalks of cotton can be grown in Massachusetts, a field of cotton cannot. Exceptions can be grown so that they will be the intellectual and moral equal of any one, but the race to which the exception belongs has not yet climbed that ladder.

The experiment made by the federal government with the negro as a political factor and governor of the South was a failure, the cost of this experiment to the South cannot be calculated, and while the whites have removed them from political power, they have given them along with the other people of the State a stable and respectable government. The whites have, out of their poverty, contributed millions to the education and up-building of the negro youth. In this work they have been constant and patient and have labored for nearly

half a century, and while bearing this great burden they are hopefully looking to the future for a solution of the race problem, so-called, and if successful in helping the negro to attain a high moral, industrial and educational position they will have accomplished that which has never been done before. It is needless to say that this difficult task will be impossible unless the entire co-operation of the negro himself is secured. Instead of cultivating habits of friction, a good disposition of one to the other should be encouraged; instead of living lives of vagrancy, industry must supplant it; instead of violating every law of economy, thrift must be attained. Time is the only true orator of economics and of conditions of people, and any law which tries to enforce false conditions will find a subsoil of underlying hardpan through which and over which nothing prospers. Sentimental legislation and fanatical establishment of false conditions are from the very nature of the case ephemeral and impossible.

For the State of Alabama I can assure that race rights and kindness, even the leniency of government along protective and upbuilding lines. I believe that the law should deal more than friendly with them, that the pardoning power shall be stretched in their favor rather than drawn taut against them, but I will again caution them that the practice of friction against the whites can accomplish no possible good and can only eventuate in serious results.

The question of social rights has been settled, settled even before the 14th and 15th amendments of the constitution of the United States were adopted, were settled by a higher power than all the white people of the South, or all the white people of the North; it was settled by the Anglo-Saxon race. The color line is older, longer, broader, more comprehensive and lasting than that drawn by Mason and Dixon—God Himself established the metes and bounds of it, and it is eternal. The white men of America will unite whether they be from the North or the South, East or West, the prophetic scroll of all time will forever rewrite the principle that the Anglo-Saxon race, whether they cut off the head

of Charles the First today, whether they hang the dead body of a Cromwell tomorrow, whether as Puritan, Quaker, or Cavalier, they will unite and stand together, and what is the use of discussing and fighting over these things in this good year of 1907?

There is one method for the negro to climb in life, and only one, and that is the same to every nation, and that is, up the ladder of successful, unaided accomplishment. All the laws ever enacted cannot make a nation. The unwritten law of every age is that you must succeed by your own merit. The law can give, and should give, the weak and helpless a chance, but this is all the law can do—that chance or opportunity so given must be availed of by those to whom it is extended. We can by our conduct and by our law help to give the negro a chance to find that path which leads upward, but that we or any one else should carry him there is impossible. The very expectations that have been created in the negro by special conditions, or special law, have been his curse, and the sooner as a people, whether North or South, they understand these things, the better it will be for them and the better it will be for their white neighbors and their white friends.

In Alabama there is not one negro in twenty who pays any tax whatever, including poll tax. The poll taxes are devoted exclusively to schools. Of the negroes of Jefferson county, the largest county in the State, and in which the negro is largely employed at good wages, less than fifty pay poll taxes. Nineteen-twentieths of the tuition paid to sustain the schools to which they send their children is paid by the whites; they pay a very small part towards the support and maintenance of the government. He is an exception to the race who deliberately sets about to accumulate and make an independent citizen. There are many farm lands in Alabama in what is known as the Black Belt, meaning by that section of the State where the negro constitutes the larger bulk of the inhabitants. These lands are comparatively cheap. The negro can best build up and show himself worthy of respect, worthy of citizenship,

if, as either tenant or purchaser, he would make those lands bear fruit as well worked lands will do anywhere. I will call the negro's attention to the fact that any section of this State which is turned over to them, is on the retrograde; that any section where the white man works is on the advance. The laws governing the two races certainly have nothing to do with this condition—it is because the negro has not taken advantage of his opportunities and made the best of them. As governor of the State, if I can add one word of encouragement to them, I will cheerfully do so. The forty-one years of their freedom has not proven a great success, a few have succeeded, many have not, and I will advise them to take a new hold on the better ways of life and make a strong and long pull towards maintaining within themselves habits of industry and economy—they could do it, and should do it. They must themselves stamp out vagrancy and crime within their own ranks. Carrying concealed weapons and vagrancy have become habitual with many of the race. Homicides and criminal assaults of the most brutal character are committed by members of the race, and when an indignant and outraged public take the law into their own hands and administer punishment, the sympathetic element of the country is tried to be aroused in favor of the brute who has committed the outrage, worse on his victim than death, diverting from the victim of his lust even that kindly attention to which she is entitled. This is a misdirected sympathy. The race should firmly set its face against such outrages, thereby striking at the root of the evil, and in this most effectual way, aid the authorities and the State in preventing this deplorable resort to violence as a means of punishing this crime. I want to say as their friend that I want them to help the whites of this land to stop this fearful lynch law business, destructive as it is of every civilization, by seeing that these criminal assaults are stopped. Teach it from their pulpits, teach it in their family life, quit crying against the white man, cry against the criminals and vagrants of their own race, make them worthy and I will guarantee the conduct of the white people of Alabama. Our pre-

judices are not against them, they are for them; we are taxing ourselves to educate their children, we are taxing ourselves to give them the protection and care of our government; we ask them to inculcate with themselves the absolute folly of securing from the laws, either federal or State, an underbolstering of conditions that their merits as a people or a race will not sustain. And we pray all, both white and black, to cultivate forbearance and patience, to practice a good disposition one to the other until the enlightening and softening processes of time have exerted their powerful influences in establishing that kindly relation and without friction, which condition should exist with two races living in the same State. The contrary of this will bring hurt to both, destruction to one.

#### THE CONFEDERATE SOLDIER.

Our State in its poverty has not done a very great deal to alleviate the condition of the old soldiers. It is more than two score years since they laid down their arms and commenced the struggles of life. Many of them are practically unable to earn a living and from the very nature of the case, unless the State holds out a helping hand and discharges its duty to these old men, the last days of many of them will be spent in poverty and want.

The regular assessment for pensions last year was \$353,201.06. To this was added an extra appropriation of \$150,000, and to this will further be added \$30,000, their share of the increased tax valuation of \$30,000,000, made last year, making a total of \$523,201.06. I advise that you increase this amount by an extra appropriation of \$300,000, making \$823,201.06, and if the assessments increase \$75,000,000, as I think they should, it will further increase it to \$898,201.06—this in addition to the care of the Home at Mountain Creek.

I will only add that they have not many more years with us, and it is but right that we should extend the kindly helping hand and make them as comfortable as the economy of the State will admit.

## MOUNTAIN CREEK HOME.

The Home at Mountain Creek is a necessity, because many of the old soldiers are incapable on account of their infirmities and the want of proper kinship to take care of themselves even with the pension stipend. This Home is intended to give the guardianship and kindness of the State, a warm fireside, a well kept table and comfortable lodging. This Home has so far been an experiment, and of course many defects in management have naturally been made; experience and proper care will tend to correct these.

I submit the report of the commandant, and suggestions made by him; all of which is subject to your investigation and decision.

## ALABAMA INSANE ASYLUM.

The Alabama Insane Asylum is one of the largest benevolent institutions in the State and should be kept in first-class condition, both as to the money necessary to run it and keep it in repair, and also as to the necessary enlargements of every description as may be necessary to meet the requirements of the State. Dr. Searcy, the superintendent, in his report, has made quite a few suggestions for your consideration, which I refer to you and suggest such necessary legislation as you may deem best to secure the economic requirements and correct development of this great institution.

## EDUCATION.

I will divide our schools into seven classes, the rural and common schools of the village and country, the Normal and Teachers Institute schools, the Alabama School for the Deaf, Dumb and Blind at Talladega, the Girls' Industrial School at Montevallo, the nine agricultural schools of the congressional districts, the Polytechnic Institute at Auburn, and the University at Tuscaloosa. These seven schools represent as they do seven distinct departments in our educational system, and should

without prejudice or jealousy of one of the other, hand in hand, covering, when properly cared for, the necessities of the people, and you representing all of the people should represent and care for all of the schools.

#### COMMON SCHOOLS.

The common schools from the very nature of the case are the foundation of our educational system, and every economy of the State should be practiced in order that they should be well cared for and developed. They furnish the arterial blood for the State and their neglect causes neglected conditions in every department of the State, whether political, economic or business, and I recommend the necessity of their expansion to the fullest extent that the economy of the State will allow.

The educational fund for the common schools last year was \$1,041,342.00, this is their constitutional share of three mills on the general assessment and valuation of the properties of the State; to this amount will be added \$90,000, their share of the increased valuation of assessments of \$30,000,000, making \$1,131,342. I advise a direct appropriation of \$300,000 a year out of the general fund to be added to the above constitutional assessment, and which would increase it to \$1,431,342.00. As suggested in the article on taxation, I think, if there was an equality of assessment on the properties of the state, that there would be an increase of \$75,000,000. If this was done, the common schools would get their constitutional share of three mills, or \$225,000, making \$1,656,342.00. There is quite a demand that a part of this fund should give the rural districts better school houses and better furniture. These matters will be within your prudence and care.

#### NORMAL SCHOOLS.

The Normal Schools founded for the purpose of preparing and fitting teachers, have succeeded and expanded beyond expectations. I will call your attention to the fact that it is at these schools the teacher for the



other schools is prepared, and it is very important that this preparation should be thorough and commensurate with the work to be done. They have outgrown their limits and come to you for help. You should thoroughly investigate the requirements of these schools and should meet them in a just and liberal way.

#### SCHOOL FOR THE DEAF, DUMB AND BLIND.

The Alabama School for the Deaf, Dumb and Blind at Talladega has also outgrown its bounds and is asking for the means of expansion. Quoting from President Johnston's report, their last building cost \$40,000, for which they had an appropriation of \$20,000, leaving a \$20,000 deficit, and there is still required an estimate of \$5,000 to complete the building and heat it. Also the central building was burned in 1905. In rebuilding it cost \$3,600 more than there was insurance, and that leaves a deficit of \$3,600. In other words, the school owes \$28,600 for buildings more than there were appropriations. This excess of cost above the appropriations was, I understand, approved by Governor Jelks and the trustees, and it becomes your duty to provide the funds. The president reports also that it is necessary to have about \$5,000 to repair one of the buildings, and that he wants other money to make improvements which are embodied in his report. The report shows that he is doing a very important work and that the school is a credit to the State and merits your liberal consideration.

#### GIRLS INDUSTRIAL SCHOOL.

The Girls Industrial School at Montevallo, grown to some four hundred pupils, has accomplished and is accomplishing much more than the founders of it dreamed of, and it has come to you asking for more expansion, more money, and right here I will say to you that the fact of its asking for more expansion and more money, is evidence that it is successful, and as long as it is successful it is your duty to stand by it. It wants more dormitories and more class room. It is becoming the usage of the State and of the nation that our girls shall share in the occupations of the State in the earning ca-

capacity of the family, and this school, having for its purpose the fitting of them for different occupation, it well behooves the State to give them the very best chance it can, and I would suggest to you the advisability of meeting their wants looking towards continued expansion. The young lady who stenographed and wrote this message, a daughter of a Dallas county farmer, is a graduate of that school, and I understand that there are many such in the city of Birmingham who are worthily earning their own living and helping in the support of their families.

The limits of this school have always been tested by the attendance; that of itself constitutes an undeniable demand on you, not on your benevolence, but on your duty to provide adequate funds for same.

#### AGRICULTURAL SCHOOLS.

The nine agricultural schools, located one each in the nine congressional districts, are doing a great work and should be encouraged. I have visited the schools at Abbeville, Henry county, and Albertville, Marshall county, and was very much impressed with the magnitude of the successful work they were doing, and unhesitatingly recommend, not only their continuance, but their enlargement.

The money allotted to these schools, \$2,500 a year each is the least appropriation for equivalent work of any benevolence or educational work of the State. They are asking that you increase this amount to \$5,000, making \$4,000 available for academic work, and \$1,000 for farm experiments. I compliment them on the modesty of the request, and am sure the State could not authorize a more economical and profitable expenditure. These schools are located in different parts of the State, generally where board is cheap, and they furnish the boys and girls outside of the cities not only with the most economical agricultural lessons, but also with the best substitute for high schools. While on this subject, I would commend to your careful study and consideration the propriety, at the earliest date possible, of establishing high schools, of their equivalents, in every county in the State, as I deem this one of the most advanced steps we could take towards higher education.

## POLYTECHNIC INSTITUTE.

The Polytechnic Institute, one of the greatest schools south of the Ohio river, has exceeded the expectations of its founders and friends, and today, expanded to the utmost limits of its capacity, is knocking at our door for more means, more room.

It is said that this school and the nine agricultural schools belie their names, that they have not made farmers, or have only made a few farmers. They have done better than that, they have fitted the farmers' boys for high places in the land and they are fast occupying them, and the demand is for more.

The foundation of these ten great schools has been thirty cents, meaning by that, the tag tax of thirty cents a ton on fertilizer. It is true that the first placement of this was on a misconception of who would pay the cost, unquestionably it was a class tax, yet it has grown into our system and the wisdom of its use cannot be doubted. This thirty cents has now multiplied into many thousands of dollars and will continue to multiply, and should be used exclusively in the outbuilding and upbuilding of these great institutions. Any prejudice against them that comes from the statement that their pupils either at the beginning or on graduation do not furnish farmers and developers of the agriculture of the State, but go out into other business, is no criticism, because no matter what business they go into, they go into it with the foundation of character and learning imbedded at these schools, and it is more than worth the while and cost to the people, and I would suggest that never again should a dollar from this fund, this thirty cent foundation, though it may swell into hundreds of thousands of dollars, be diverted from the great cause to which it was dedicated, and to which it should be exclusively applied. If it is more than the polytechnic institute and the nine great agricultural schools can use, then enlarge the institute and found ten more and yet ten more agricultural schools as long as the fund will expand.

The Polytechnic Institute is asking \$226,000, or about \$56,000 a year for four years, to erect new buildings and to properly equip same, and it should have it. I will call your attention that the State owes the fertilizer

fund quite a sum of money, which has in previous years been turned into the general treasury; but aside from this the State owes it to the farmers of the State and to those who want an agricultural and technological education to give an ample sufficiency of the general fund, if necessary, for buildings and equipment, and ample further equipment of managers and teachers to extend their expansion as the necessities of the case demand.

#### THE UNIVERSITY.

The University, once the pride of the State, was burned in 1865 by supposed military necessity. Rebuilt, it is true, but that rebuilding was like the restoration of the temple and walls of Jerusalem by Nehemiah; Ezra and Zerubbabel; when the work was completed and compared with the old Jerusalem, they sat themselves down and wept.

Alabama has been very negligent of the University, recognizing in the most meagre way the State's debt to the school, arriving by some strange vagary of conclusion that it was right to compromise the State's debt to this, their own institution, having by the State's own conduct lost the independent trust funds of the University, making a settlement somewhat like that of an impecunious debtor—fifty cents on the dollar. As a result the University stands today a beggar struggling with inadequate means. The University is asking for \$25,000 a year increased appropriation to meet necessary repairs and expenses, and they are also asking for \$100,000 a year for **the next four years for increasing buildings.** It looks to me that these are reasonable requests of this body and that you could make no better investment. No State can build higher than its school system, and any State that fails to satisfy the aspirations of its young people for even the highest education, and fails to take such young people into its commensurate care, then that State has failed in its duty. When Daniel at Babylon prayed each day with his face towards Jerusalem, he paid the highest tribute to the great advantages that Jerusalem had given him in mind and heart expansion, and Alabama should

fulfill with its facilities the requirements of the worthy ambitions of its young people, and make Daniels of its youths, tethering them to the home school, creating an adequate alma mater in our own midst, with all of such youths, not only offsprings of our schools, but going beyond that and creating a great alumni of citizenship bound to the State by that principle of early association and ingraft into them that great principle of love of the old school grounds, love of the old college mate, love of the old faculty, and twice hallowed, the love of the State that furnished these great opportunities.

As a boy in the spring of 1865, a student of the University, I saw the smoke of the consuming fire, and as a man, having gone from my State to a foreign college, I feel and know the necessity of a home university and cannot too highly recommend to you the care and keep of it as a valuable heritage to last forever devoted to the upbuilding of the youths of the State, preparing them to become citizens of the State, citizens imbued with love for the keep and care of the State, a love which best comes to a citizen when his alma mater is in the State. The university should be built and built and built, no limit now or ever as far as the economy of the State will allow.

And to sum up on all our schools, while not mania struck on education, yet I regard it as the most successful foundation for the future of the State and unhesitatingly recommend that all of these great systems of school, the foundations of which have been so broadly laid, will create an alumni of citizenship making them feel proud that the highest merits of their citizenship, they owe to the school system of Alabama, then Alabama will be endeared to them, and this alumni of citizenship will be our greatest bulwark and they will be found in line to protect the State in any and every danger, and they will be found the strongest workers and leaders in the future fight, not only for the future education of the State, but any and every upbuilding and protection of the State.

On our labors, jointly and severally, as faithful servants of the people, humbly I invoke the blessings of Almighty God.

(Signed) B. B. COMER.

Governor's Office, Montgomery, January 15, 1907.

On motion of Mr. Thomas the reading of the Governors Message was dispensed with and 500 copies ordered permitted.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in the Senate Joint Resolution relative to United States Senators Morgan and Petrus not being present at their election by the Legislature of Alabama.

Cyrus B. Brown, Clerk.

MESSAGE FROM THE GOVERNOR.

Chief Executive Department—Alabama.

January 15th, 1907.

To the Senate:

I hereby recall executive messages under date January 10th, 1907.

B. B. Comer, Governor.

On motion of Mr. Lusk, the Secretary of the Senate was directed to return to the Governor the executive message of January 10, 1907.

REPORT OF COMMITTEE ON RULES.

Mr. Gardner, from the Committee on Rules, reported the Rules for the Senate, and pending the consideration of the same. On motion of Mr. Spragins the further consideration of same was postponed until tomorrow.

RESOLUTION.

Mr. Overton offered the following resolution which was referred to the Committee on Rules.

S. R. 12. Resolved, That a standing committee consisting of seven members be raised to be known as the Committee on Game, Fish and Forrestry preservation.

Mr. Lusk offered the following:

S. R. 13. Resolved by the Senate, the House concurring herein, that a joint committee composed of two Senators, appointed by the President of the Senate, and four members of the House of Representatives, appointed by the Speaker, be raised for the purpose of considering how the manuscript of the new Code recently submitted to the Senate by the Governor, shall be read and considered.

Which was adopted and the President appointed as a committee on part of the Senate Messrs. Lusk and Merritt.

Mr. Gardner offered the following resolution which was adopted.

S. R. 14. Resolved by the Senate, the House of Representatives concurring, that a committee of two from the Senate, appointed by the President of the Senate, and four from the House, appointed by the Speaker of the House, be appointed to report joint rules for the government of the two Houses of the Legislature.

The President appointed as a committee on part of the Senate Messrs Gardner and Strother.

#### PRIVILEGES OF THE FLOOR.

On motion the privileges of the floor were extended to Ex-Governor Joseph F. Johnston.

#### ADJOURNMENT.

On motion of Mr. Spragins, the Senate adjourned until 10:30 o'clock tomorrow morning.

## FIFTH DAY.

January 16, 1907.

The Senate met pursuant to adjournment.

## PRAYER.

Prayer by Rev. Dr. Young of the city.

## ROLL CALL.

On a call of the roll the following Senators answered to their names.

Messrs. —

President	Hamburger	Lowe	Reynolds
Barbour	Hamner	Lusk	Spragins
Bayles	Hays	Merritt	Strother
Davis	Heacock	Miller	Teasley
Doster	Hinson	Moody	Thomas
Forrester	Horton	McWhorter	White
Gardner	Jones	Overton	Wilson
Glenn	King	Reese	Wimberly
Gunn	Leath	Reid	

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## JOURNAL.

On motion of Mr. Reese the reading of the Journal was dispensed with and the same was approved.

## LEAVE OF ABSENCE.

Leave of absence was granted to Mr. Blackmon for today.

## PRIVILEGES OF THE FLOOR.

Privileges of the floor were granted to Messrs. J. M. Miller of Wilcox, S. H. Brazelton and J. H. Johnson of Talladega and J. B. Ward of Henry for today.



## INTRODUCTION OF BILLS.

On the call of the districts, bills were introduced, read and referred to appropriate standing committees, as follows:

By Mr. Wilson:

S. 63. To prohibit hunting and fishing or either of them on the lands of another without the written consent of the owner thereof, and to provide punishment for such trespasses.

## Revision of Laws.

Also:

S. 64. To prohibit the selling, giving away or otherwise disposing of cigarettes, cigarette papers or any substitute thereof in the State of Alabama, and to provide a punishment therefor.

## Public Health.

Also:

S. 65. To provide a penalty for fraudulent enumeration of children by district trustees.

## Education.

By Mr. Lusk:

S. 66. To submit to the people of the State of Alabama at the next general election, to be held on the first Tuesday after the first Monday in November, 1908, for their consideration, an amendment of sections 46 and 48, article 4, of the Constitution providing for biennial elections for Senators and Representatives in the Legislature of Alabama.

## Constitution and Constitutional Revision &amp; Amendment.

Also:

S. 67. To further regulate the practice and proceedings in the chancery courts of the State.

## Judiciary.

Also:

S. 68. To make an appropriation for the support of the public schools of the State for the fiscal year ending September 30, 1907, and the year ending September 30, 1908, and the year ending September 30, 1909, and the year ending September 30, 1910.

## Finance and Taxation.

Also:

S. 69. To amend sections 897, 900, 905, 906, 907, 908 and 911, of Article 1, Chapter 19 of the Code of Alabama.

Judiciary.

Also:

S. 70. To amend section 638 of the Code of Alabama.  
Judiciary.

Also:

S. 71. To further regulate trials in civil cases in courts of law.

Judiciary.

By Mr. Hamner (with notice and proof) as follows:

I hereby give notice that a bill will be introduced at ~~the next session of the Legislature of Alabama~~, which convenes about January 8, 1907, making specific appropriations of all moneys received by the city of Attalla as saloon licenses to school purposes, and the payment of the interest on the bonded debt of said city, as follows:

One half to be paid over to the treasurer of the school board for the maintenance of the public schools, and of the remainder one thousand dollars to be applied to the payment of the interest on the bonded debt, and the remainder to be paid over to the treasurer of the said school board by him set apart as a fund for repairing and rebuilding of public school buildings in said city of Attalla.

Respectfully,  
R. F. McConnell.

I, L. S. Gray, editor and proprietor of the Attalla Mirror, a weekly newspaper published at Attalla, Alabama, hereby certify that the foregoing notice was published in said newspaper for four consecutive weeks as follows: December 13th, December 20th, December 27th, 1906, and January 3d, 1907.

This January 5th, 1907.

L. S. Gray, Editor and Proprietor.

Sworn to and subscribed before me this January 5th, 1907.

Albert Spencer, Notary Public.

S. 72. To appropriate all monies received by the city of Attalla, in this State, as saloon license, to school purposes and to the payment of the interest on the bonded debt of the said city.

Local Legislation.

By Mr. Heacock:

S. 73. To appropriate the sum of \$80,000.00 to the Alabama schools for deaf and blind.

Finance and Taxation.

By Mr. Miller:

S. 74. To amend section No. 1310 and 1313 of the Code of Alabama of 1896.

Judiciary.

By Mr. Leith:

S. 75. To amend section 2926, of the Code of Alabama.

Mining and Manufactories.

Also:

S. 76. To amend section 5269 of the Code of 1896, in regard to regulating the drawing and empaneling of grand jury.

Judiciary.

By Mr. Gunn (with notice and proof) as follows:

# NOTICE.

To whom it may concern:

The next Legislature of Alabama, which convenes on the second Tuesday in January, 1907, will be requested to pass the following act:

# AN ACT.

To extend the corporate limits of the town of Jackson, Alabama.

Section 1. Be it enacted by the Legislature of Alabama, That the corporate limits of the town of Jack-

son, Alabama, be and the same are hereby extended so as to include and embrace the following territory within the corporate limits of said town, to-wit: Commence at a point on the east bank of the Tombigbee river where the half mile line running east and west through section 18, township 6, range 2, east, intersects said river, thence east to Bassett's creek, thence up said creek with its meanderings to the half mile line running north and south through section 9, township 6, range 2, east; thence north to the half mile line running east and west through section 23, township 7, range 2, east; thence west to Tarkill branch; thence down Tarkill branch with its meanderings to the section line running east and west between sections 6 and 7, township 6, range 2, east; thence west a half mile; thence south to the Tombigbee river; thence down said river with its meanderings to the place of beginning.

Sec. 2. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act, be and the same are hereby repealed.

John S. Graham, Attorney.

The State of Alabama, }  
Clarke County. }

Before me, John S. Graham, a notary public, personally appeared E. L. Colley, publisher of the South Alabamian, a weekly newspaper published in Jackson, Clarke County, Alabama, who being duly sworn, deposes and says, that the notice hereto attached, was published in the South Alabamian for four consecutive weeks, appearing in its issues of November 17 and 24, 1906, and December 1, and 8, 1906.

E. L. Colley.

Sworn to and subscribed before me this 3rd day of January, 1907.

John S. Graham, Notary Public.

S. 77. To extend the corporate limits of the town of Jackson, Alabama.

Local Legislation.

By Mr. Reynolds:

S. 78. To provide for the building and repair of rural school houses in Alabama.

Finance and Taxation.

By Mr. Hinson:

S. 79. To amend section 4730 of the Code of 1896, as amended October 1st, 1903.

Revision of Laws.

By Mr. Gardner:

S. 80. To amend section 4762 of the Code of Alabama of 1896.

Revision of Laws.

Also:

S. 81. To amend section 3 of an act entitled an act to amend sections 1713, 1714, 1717, 1718, 1719 and 1720 of the Code, approved October 1, 1903.

Revision of Laws.

By Mr. Merritt:

S. 82. To amend section 5050 of the Code of Alabama.

Revision of Laws.

#### RESOLUTIONS.

Mr. McWhorter offered the following resolution:

S. R. 15. Resolved, That the Committee on Rules be instructed to make provision for a clerk for the Temperance Committee of the Senate.

Which resolution was referred to the Committee on Rules.

Mr. White offered the following resolution, which was also referred to the Committee on Rules:

S. R. 16. Whereas, Theodore Roosevelt, President of the United States, has demonstrated his patriotism and courage in exercising his constitutional prerogative in discharging from the American army the negro soldiers who shot up Brownsville, Texas, and whereas we are familiar with the negro and know his inclination to shield his fellows when guilty of crime, however serious it may be, and seeing the tendency of some of the would-be politicians of the United States try to belittle the Pres-

ident for his action for political effect only: Therefore be it resolved by the Senate of Alabama, that we heartily commend the President of the United States in his action in discharging without honor, as he did so, the negro soldiers who shot up Brownsville, Texas, and while the Senate disagrees with him as a man in politics, we admire his courage in executing the law without fear or favor, and without regard to what political effect it may have.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has amended, as herein shown, and as amended has concurred in the Senate Joint Resolution offices of Auditor and Treasurer.

relative to raising a joint committee to examine the  
C. B. Brown, Clerk.

#### HOUSE MESSAGE.

The Senate concurred in the House amendment to the Senate Joint Resolution adopted on January 10th, 1907, appointing a joint committee to examine the offices of Auditor and Treasurer in accordance with the provisions of section 2218 of the Code of Alabama, said house amendment is as follows, to-wit: "Be it further resolved that said committee be and is hereby instructed to ascertain and report the amount of cash in hand of Treasurer at close of last fiscal year, September 30th, 1906; amount due public schools and collected under ~~levy for support of schools~~; amount due soldiers and collected under special levy for support of soldiers; amount of general fund."

#### RETURN OF BILL AND ORDER TO PRINT.

Mr. Lusk, chairman of the Committee on the Judiciary, returned to the Senate Senate Bill Number 6.

S. 6. To further regulate the liability of masters and employers, their agents, servants, officers and employees, with recommendation from said committee that a thou-

sand copies of said bill be printed, for the use of the Senate, and that said bill be returned to the Committee on Judiciary for further consideration, which request was acceded to by the Senate, and a thousand copies of said bill ordered printed.

#### REPORT OF STANDING COMMITTEES.

The following bill was returned to the Senate from the Committee on Judiciary, after having been acted upon in session, as stated below, and read a second time and placed upon the calendar for a third reading on tomorrow, to-wit:

By Mr. Lusk (with amendment):

S. 3. To amend section 3972 (502) of the Code of Alabama of 1896.

#### REPORT OF THE COMMITTEE ON RULES.

Mr. Gardner, from the Committee on Rules, reported the rules for the Senate.

Mr. Reese offered the following amendment to Rule No. 32:

32 "That all executive messages be considered with open doors, unless otherwise requested in said message," which amendment was adopted, and as amended, said rules, were adopted, as Rules for the Senate for the session of 1907, and 500 copies of the same ordered printed for the use of the Senate, the said rules to also include the standing committees of the Senate, a list of the Senators and their city addresses, the standing committees of the House of Representatives, and also members of the House of Representatives.

RULES OF THE SENATE, 1907.

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RULE 1. The President having taken the Chair, and a quorum being present, the journal of the preceding day shall be read to the end, that any mistake may be corrected that shall be made in the entry.

2. Every Senator, when he speaks, shall address the Chair, standing in his place, and, when he has finished, shall sit down.

3. No Senator shall speak more than twice on any question under debate, and shall not consume more than one hour at each time, without leave of the Senate; but the originator of the pending question, or Chairman of the Committee reporting the measure, shall have the right to conclude the debate, the originator of the pending question to have precedence.

4. When two or more Senators rise at the same time, the President shall name the Senator who is to first speak.

5. When a Senator shall be called to order by the President, or a Senator, he shall sit down; and every question of order shall be decided by the President, without debate, subject to an appeal to the Senate, and the President may call for the sense of the Senate on any question of order.

6. If a Senator be called to order by a Senator for words spoken, the exceptional words shall immediately be taken down in writing by the Secretary, that the President may be better enabled to judge of the matter.

7. No senator shall absent himself from the service of the Senate, for as long as one day, without leave of



the Senate first obtained. In case a less number than a quorum of the Senate shall convene, they are hereby authorized to send the Door-keeper, or any other person by them authorized, for any or all absent Senators, as the majority of such Senators present shall agree, at the expense of such absent Senator unless such excuse for non-attendance shall be made, as a quorum of the Senate shall judge sufficient, in which event the expense of securing the attendance of such Senator shall be paid out of the contingent fund.

8. When a motion shall be made, it shall be reduced to writing, if desired by the President, or any Senator, delivered at the table, and read, before the same shall be debated.

9. When a question is under debate, no motion shall be received but—

To adjourn,  
 To adjourn to a day certain,  
 To lay on the table,  
 To postpone indefinitely,  
 To postpone to a certain day,  
 To commit, or  
 To amend;

which several motions shall have precedence, in the order they stand arranged, and the motion for adjournment shall always be in order, and be decided without debate.

10. If the question in debate contains several points, any Senator may vote for a division, but on a motion to strike out and insert, it shall not be in order to move for a division of the question; but the rejection of a motion to strike out and insert one proposition, shall not prevent a motion to strike out and insert a different proposition, nor prevent a subsequent motion, simply to strike out, nor shall the rejection of a motion simply to strike out, prevent a subsequent motion to strike out and insert.

11. In filling up blanks, the largest sum and longest time shall be first put.

12. When the reading of any paper is called for, and the same is objected to by any Senator, it shall be determined by a vote of the Senate, and without debate.

13. The *unfinished business* in which the Senate was engaged at the last preceding adjournment, shall have the preference in the *special orders* of the day.

14. When the *yeas* and *nays* shall be called for by one-tenth of the Senators present, each Senator called upon shall, unless for special reasons he be excused by the Senate, declare openly, and without debate, his assent or dissent to the question. In taking the *yeas* and *nays*, and upon the call of the Senate, the names of the Senators shall be called alphabetically.

15. When the *yeas* and *nays* shall be taken upon any question, in pursuance of the above rule, no Senator shall be permitted, under any circumstances whatever, to vote after the decision is announced from the Chair.

16. All motions to go into executive session shall be decided without debate.

17. All joint resolutions, except those which require immediate action, shall lie over one day, before they shall be considered by the Senate.

18. No motion shall be deemed in order to admit any person whomsoever within the doors of the Senate Chamber, to present any petition, memorial or address, or to have any such read.

19. When a question has been made and carried in the affirmative or negative, it shall be in order for any Senator of the majority to move for the reconsideration thereof; but no motion for the reconsideration of any vote shall be in order after a bill, resolution, message,

report, amendment or motion, upon which the vote was taken, shall have gone out of the possession of the Senate, announcing its decision; nor shall any motion for reconsideration be in order, unless made on the same day on which the vote was taken, or by 12 o'clock next day.

20. All questions shall be put by the President of the Senate, and the Senators shall signify their assent or dissent, by answering their aye or no.

21. The President of the Senate shall have the right to name a Senator to perform the duties of the chair, but such substitution shall not extend beyond adjournment.

22. After reading the journal, business shall be called in the following order:

- 1st. Signing bills by President.
- 2nd. Call of districts.
- 3rd. House messages.
- 4th. Report from standing committees.
- 5th. Reports from select committees.
- 6th. Motions and resolutions.
- 7th. Bills on third reading.
- 8th. Regular order of the day at 12 M.
- 9th. Miscellaneous business.

The committees on enrolled and engrossed bills, and on journal, may report at any time.

This order of business cannot be set aside, except by a majority vote of the Senate, upon a resolution, previously considered and reported by the Committee on Rules.

When reports of standing committees are in order, the committee shall be entitled to the floor, last occupying it when the reports were in order.

These rules shall not interfere with special orders for particular days, or special orders for the Senate.

Special orders shall be called at the hour of 12 o'clock, unless specially set for some other hour; and a motion for a special order, if objected to, shall first be referred to and reported from the Committee on Rules.

Under call of the districts, only bills, petitions, memorials, or resolutions which are to be referred to a committee, shall be introduced, and every bill, petition, memorial or other paper shall upon the first reading thereof, be referred by the President to the Standing Committee having the subject matter thereof under consideration unless the Senate by a majority vote order otherwise. And before any petition, or memorial addressed to the Senate, shall be received and read at the table, a brief statement of the contents of the petition or the memorial shall be made verbally by the introducer.

23. Every bill shall receive three readings previous to its being passed; and the President shall give notice at each whether it be the first, second or third, which readings shall be on three different days. And no bill shall become a law until it shall have been referred to a standing committee, acted upon by such committee in session, and returned therefrom, which fact shall affirmatively appear upon the Journal of the Senate, and upon its final passage read at length, and the vote taken by yeas and nays, and the names of the Senators voting for and against the same be entered on the journal.

24. The presiding officer of the Senate shall in the presence of the Senate sign all bills and joint resolutions passed by the Legislature, after the same shall have been publicly read at length immediately before signing, and the fact of reading and signing shall be entered upon the journal; but the reading at length may be dispensed with by a two-thirds vote of a quorum present, which fact shall also be entered on the journal. And all the resolutions proposing amendments to the Constitution or to which the approbation or signature of the President may be requisite or which may grant money out of the contingent fund shall be treated in

all respects in the introduction and form of proceedings thereon in the Senate in a similar manner with bills.

25. Bills on first reading shall be committed, and shall be read a second time when returned from the committee on any subsequent day.

26. The final question, upon the third reading of every bill, resolution, constitutional amendment, or motion originating in the Senate, and requiring three readings previous to its being passed, shall be, "whether it shall be engrossed and read a third time?" and no amendment shall be received for discussion after the third reading of any bill, resolution, amendment or motion, unless by unanimous consent of the members present; but it shall at all times be in order, before the final passage of any such bill, resolution, constitutional amendment or motion, to move its commitment, and if such commitment take place and any amendment be reported by the committee, the said bill, resolution, constitutional amendment or motion shall be again read a second time, and then the aforesaid question shall be again put.

27. The special orders of the day shall not be called by the chair before 12 o'clock, unless otherwise directed by the Senate.

28. The titles of bills and such parts thereof only as shall be effected by proposed amendments, shall be inserted on the journals.

29. The proceedings of the Senate, when not in committee of the whole, shall be entered on the journal as concisely as possible, care being taken to detail a true and accurate account of its proceedings; but every vote of the Senate shall be entered on the journal, and a brief statement of the contents of each petition, memorial or paper presented to the Senate, shall also be inserted on the journal.

30. The President of the Senate shall appoint the chairman and members of the standing committees, and he shall appoint all other committees of the Senate, both special and joint.

31. When motions are made for reference of the same subject to a select committee, and to a standing committee, the question on reference to the standing committee shall be first put.

32. That all executive messages be considered with open doors unless otherwise requested in said message.

33. The Committee on Rules may at any time report a special rule that debate on a pending measure shall cease at a certain hour, and a vote be taken on the measure. The consideration of such special rule shall not exceed thirty minutes, when a vote shall be taken thereon.

34. When any question may have been decided by the Senate, in which two-thirds of the Senators present are necessary to carry the affirmative, any Senator who votes on that side which prevailed in the question, may be at liberty to move for a reconsideration, and a motion for a reconsideration shall be decided by a majority of votes. And every bill, question or measure may be reconsidered at any time before 12 o'clock of the succeeding day, that no motion to table a motion to reconsider shall be in order, if made on the same day the proposition proposed to be reconsidered, was carried, and no motion to take from the table a motion to reconsider shall be in order, without giving one day's notice.

35. Messages shall be sent to the House of Representatives by the Secretary, who shall previously endorse the final determination of the Senate thereon.

36. Messages may be introduced in any stage of business, except while a question is being put, while the

yeas and nays are being called, or while the ballots are being counted.

37. The reporters shall be placed on the floor of the Senate by the Secretary, or under his direction.

38. The presiding officer of the Senate shall have the regulation and control of such parts of the capitol, and of its passages, as are or may be set apart for the use of the Senate and its officers.

39. Persons admitted on the floor of the Senate Chamber while the Senate is in session: Members of the Legislature, officers and employes of the two Houses, the Governor and his secretary, representatives of the press, other persons to whom the Senate by unanimous vote may extend the privileges of its floor.

No smoking shall be allowed in the Senate Chamber.

40. The time of meeting of the Senate each day shall be 10:30 o'clock a. m., except on Monday, on which it shall convene at 12 o'clock noon; and in all cases, upon the adjournment of the Senate, the Secretary shall enter on the journal the hour of adjournment, and the name of the member on whose motion the adjournment was had.

41. To aid in the dispatch of business, there shall be twenty-three standing committees, upon the following subjects, and to consist of the number herein named:

1. On the judiciary to consist of nine members.
2. On revision of laws, to consist of nine members.
3. On constitution and constitutional revision and amendments, to consist of seven members.
4. On Finance and Taxation, including accounts and claims, fees and salaries, and contingent fund, to consist of eleven members.

5. On banking and insurance, to consist of five members.

6. On penitentiary, prison and prison punishment, to consist of seven members.

7. On corporations, to consist of seven members.

8. On local legislation, to consist of seven members.

9. On education, to consist of seven members.

10. On commerce and common carriers, to consist of seven members.

11. On mining and manufactories, to consist of seven members.

12. On agriculture, to consist of seven members.

13. On municipalities and municipal organization, including charitable institutions, to consist of five members.

14. On county and county boundaries, to consist of five members.

15. On immigration and industrial resources, to consist of seven members.

16. On public buildings and grounds, to consist of five members.

17. On privileges and elections, including grievances, disabilities and registration, to consist of seven members.

18. On printing, to consist of three members.

19. On public health, to consist of seven members.

20. On military, to consist of three members.

21. On temperance, to consist of seven members.

22. On engrossed bills, to consist of three members.



23. On enrolled bills, to consist of three members.

24. On revision of the journal, to consist of five members, whose duty it shall be to examine in reference to each bill or resolution finally passed by the General Assembly and report whether the journal contains the entries in reference thereto required by the Constitution.

25. On rules, to consist of five members, with the right to report at any time.

42. Bills on third reading postponed to a day certain, shall take precedence on such day, and from day to day thereafter until disposed of, of bills on third reading, and the precedence of such postponed bills shall be in the order of their postponement respectively.

43. No discussion or debate shall be allowed while a vote is being taken, except by unanimous consent of the Senate.

44. A motion to lay on the table any amendment or substitute shall not carry with it the original bill, resolution or proposition.

45. The Secretary of the Senate is required to furnish daily to the members of the Senate a printed calendar of all the bills and resolutions intended to have the force of laws on third reading, in the order in which they are entitled to consideration.

46. When a committee has decided adversely to any bill or resolution, such action shall be endorsed thereon under rule 49, and said bill forthwith delivered to the Secretary of the Senate who shall note the unfavorable report on the register or docket of bills. Any Senator may, after one day's written notice, on the day named in said notice after the call of standing committees move the second reading of such bill or resolution when the same may, by a majority vote of the Senate, be read by its title a second time and placed on the calendar. Only 60 minutes to the side shall be allowed for the discussion

of such motion—which may be divided as the Senators favoring and opposing the same may agree for their respective sides.

47. No motion to suspend, modify or amend any rule or any part thereof, shall be in order except on one day's notice in writing, specifying precisely the rule, or part thereof, proposed to be suspended, modified or amended and the purpose thereof; and before any vote shall be taken on such motion, it shall be first referred to the Committee on Rules, and the said committee must report thereon; but any rule may be suspended by unanimous consent of the Senate, and alterations of the rules shall be decided by a majority vote.

48. All resolutions shall be referred to and reported from the Committee on Rules before consideration by the Senate; Provided, that this shall not apply to resolutions requiring immediate consideration.

49. All bills acted upon by a committee shall be endorsed as follows: "This bill was acted upon by the Committee on ----- in session and (here insert the action of the Committee)," and said endorsement shall be dated and signed by the chairman or acting chairman of the Committee.

JOINT RULES OF THE TWO HOUSES OF THE  
LEGISLATURE OF ALABAMA, SESSION 1907.

1. Upon the reception of a message from either House notifying the other of the originating and passing of bills, the Secretary or Clerk, as the case may be, shall, immediately after the message is read, proceed to read the bills by their titles, unless the reading be called for by some member, in which event the bill shall be read at length, and referred to a committee. The House or Senate, as the case may be, shall then proceed with the business upon which it was engaged when the message was received; Provided, that messages from one House to the other shall take precedence over all other questions.

2. When House or Senate bills are signed by the presiding officer of the House or Senate, thereupon the Clerk or Secretary, as the case may be, shall notify the other House and request the signature of the presiding officer to the same; and as soon as the message is read, the presiding officer shall immediately sign the bills in the presence of the House or Senate, as prescribed by the constitution.

3. That no local or special bill shall be introduced into either House unless the member who introduces it discloses at the time the fact that the notice required by the constitution and laws has been given, and submits one original and two exact copies of proof thereof with the bill.

4. All bills for amendment to any section or part of the Code, in which the subject matter is stated in the title by reference to the section or other subdivision of the Code, must contain on the back of the bill, immediately below the title, a brief statement of the general subject to which such section or subdivision relates.

## SENATE JOINT RESOLUTION.

Mr. Thomas offered the following Senate Joint Resolution, which on a suspension of the rules was adopted:

S. J. R. 17. "Whereas, next Saturday, the 19th day of January, 1907, will be the anniversary of the illustrious Robert E. Lee,

And,

Whereas, this day has been declared by law to be a legal holiday in Alabama,

Therefore, in proper recognition of the same,

Be it resolved by the Senate, the House concurring, That when the two houses of the Legislature adjourn respectively on Friday, the 18th day of January, 1907, that they stand adjourned until Monday, the 21st day of January, 1907."

## MEMORIAL.

Lieutenant Governor, Henry B. Gray, laid before the Senate the following memorial, which was read, and referred to the committee on rules;

Eufaula, Ala., January 11, 1907.

*To the Senate of the State of Alabama:—*

Gentlemen.—I am directed by the Alabama Annual Conference of the Methodist Episcopal Church South, to transmit to your honorable body a copy of the following preamble, and resolutions adopted by the body in its recent session, in Eufaula, Alabama, December 10, 1906.

Whereas, The age of machinery has made child labor synonymous with child slavery,

And,

Whereas, This evil is growing in our beloved southland, there being 600,000 little children to toil in southern cotton mills, besides several thousand in other occupations, that are likewise damaging to their souls, mind and body,

And,

Whereas, Our present child labor laws, in Alabama, are deficient and ineffective so that it is practically impossible to enforce them,

Therefore, be it resolved, First, that we deplore the practice indulged in by those mill owners, and others, many of whom are church members, who thus violate the statutes of our State.

Second, that we express our hearty appreciation of, and sympathy with those mill owners to whom the child labor question is really a social problem, and we call them to join us in seeking its best solution.

Third, that we unqualifiedly condemn the cruel blighting of childhood, which is weakening our democracy, by destroying the talent, manhood and womanhood of the next generation, the greatest asset of any nation.

Fourth, that in order to relieve this tragic condition, we pledge ourselves to work and pray for the cessation of this inexcusable evil, and to do our utmost to pay this part of this our first and greatest debt, that which we owe to childhood.

Five, that we, the Alabama conference of the Methodist Episcopal Church, South, at Eufaula, Alabama, in session assembled, do respectfully petition the Legislature of Alabama to enact an effective child labor law, which shall raise the minimum age limit at which children may be employed.

Sixth, that the Secretary is hereby instructed to send copies of this action to each House of the Legislature when that body shall assemble.

Mr. Spragins offered the following resolution, which on a suspension of the rules, was immediately considered and adopted:

S. R. 18. Resolved, by the Senate, that the Secretary Senate a copy of the Code of 1896, the general and local acts of the Legislature of 1903, and also a copy of the of State, be requested to furnish to each member of the Senate Journal of 1903.

## COMMITTEE CLERKS.

Messrs. Wilson and Gunn offered the following resolution, which was referred to the committee on rules:

S. R. 19. Resolved, That the Committee on Rules be instructed to make provision for a clerk for committees on Mining and Manufacturing, and Penitentiary, Prisons and Punishment.

## INVITATION.

The President of the Senate laid before the Senate an invitation from the Commercial Club of Birmingham, Alabama, to be present at the meeting of said Club and attend the Cotton Growers Association, which is now in session at Birmingham, on Friday, January 18th, 1907.

On motion of Mr. Lusk, a vote of thanks was tendered the said Club for the invitation offered.

The following invitation was laid before the Senate by the President of the Senate, which was read, and ordered spread upon the Journal:

Montgomery, Ala., Jan. 16th, 1907.

*To the Speaker of the Upper House of the Alabama Legislature, City.*

Dear Sir:—Will you kindly announce to the Senate of your House the following incident?

Major J. M. Berriman, Commander of the Salvation Army will deliver a lecture to-night at the First Presbyterian church on "Sunshine and Shadows" at 7:45. The entire Senate is cordially invited to attend.

Respectfully,

Captain Odom,  
Officer in charge local work.

## ADJOURNMENT.

At 11:20 o'clock, a. m., on motion of Mr. Lusk, the Senate adjourned until 10:30 o'clock tomorrow morning.

## SIXTH DAY.

Thursday, January 17, 1907.

The Senate met pursuant to adjournment.  
Prayer by Rev. Dr. Young of the city.

## ROLL CALL.

Present:

Messrs:—

President	Gunn	Leath	Reid
Barbour	Hamburger	Lowe	Reynolds
Bayles	Hamner	Lusk	Spragins
Blackmon	Hays	Merritt	Strother
Davis	Heacock	Miller	Teasley
Doster	Hinson	Moody	White
Forrester	Horton	McWhorter	Wilson
Gardner	Jones	Overton	Wimberly
Glenn	King	Reese	

—35.

## JOURNAL.

On motion of Mr. Blackmon, the reading of the Journal of yesterday was dispensed with and the same was approved.

## LEAVE OF ABSENCE.

A leave of absence was granted to Mr. Thomas for today and to Mr. Bayles for tomorrow and Saturday.

## PRIVILEGES OF THE FLOOR.

The privileges of the floor were granted to Mr. Pratt of Pell City and Hon. S. H. D. Mallory of Selma for today.

## NOTICE.

Mr. Gardner offered and asked that same be spread upon the Journal, his notice to call from adverse calendar,

S. 40. Senate bill No. 40, which notice is as follows, to-wit:

The Senate:

Notice is hereby given that motion will be made on Friday, January 18th, 1907, to take from the adverse docket of bills and have placed on the calendar Senate Bill No. 40, entitled an act to amend sections 1, 2 and 3 of an act entitled an act to amend sections 382, 383, 384 and 3980 of the Code of Alabama, approved Feb. 26, 1903, which said bill was referred to the Committee on Revision of Laws and reported by said committee adversely on January 17, 1907. Said motion will be made by the undersigned who offered said bill.

Lucien Gardner.

## INTRODUCTION OF BILLS.

On the call of the districts, bills were introduced, read and referred to appropriate standing committees, as follows:

By Mr. Hayes:

S. 83. To appropriate the sum of six thousand dollars for the completion and improvement of the school buildings of the 8th Congressional District Agricultural school located at Athens; the main school building having been destroyed by a storm in November, 1906.

Finance and Taxation.

Also:

S. 84. To submit to the qualified electors of the State of Alabama a proposed amendment of section 194 of the Constitution of Alabama.  
Constitution and Constitutional Revision & Amendment.



By Mr. Lusk:

S. 85. To make an appropriation to aid in building school houses for use by the public schools in the State of Alabama, and to provide for the control and management of the same.

Finance and Taxation.

Also:

S. 86. To further regulate the doing of business in the State of Alabama by foreign or non-resident corporation or corporations organized under or by authority of the law of any other State or government than the State of Alabama.

Corporations.

By Mr. Hamner:

S. 87. To prohibit the sale of spirituous, vinous or malt liquors or other intoxicating drinks or beverages in the State of Alabama outside of the corporate limits of incorporated cities and towns.

Temperance.

By Mr. Heacock:

S. 88. To define and punish vagrancy, and to fix the burden of proof in such cases.

Revision of Laws.

Also:

S. 89. To fix the fees and compensation of physicians and surgeons when summoned as witnesses to testify professionally in the trial of civil and criminal cases.

Public Health.

By Mr. Reynolds:

S. 90. To provide for the attendance of certain children of this State on the public schools of said State, and to provide for the enforcement of said law and to fix a penalty for the violation thereof.

Education.

Also:

S. 91. Requiring teachers in the public schools of this State to give thirty days notice to the County Board of Education or to the District Trustees upon resigning their positions.

Education.

By Mr. Barbour:

S. 92. To make additional appropriations for the support of the public schools of the State for the fiscal years ending September 30th, 1907, September 30th, 1908, September 30th, 1909, and September 30th, 1910.  
Finance and Taxation.

Also:

S. 93. To prohibit injury to school or church houses and to prescribe procedure under this act.  
Revision of Laws.

Also:

S. 94. To amend section 5076 of the Code.  
Revision of Laws.

Also:

S. 95. To amend section 4655 of the Code.  
Revision of Laws.

Also:

S. 96. To amend section 4797 of the Code.  
Revision of Laws.

Also:

S. 97. To amend section 4722 of the Code of Alabama.  
Revision of Laws.

By Mr. Horton:

S. 98. To amend an act entitled an act to amend section 2937 of the Code of Alabama, approved February 11th, 1901.  
Municipalities and Municipal Organizations.

By Mr. Hamburger (with notice and proof) as follows:

The State of Alabama, }  
County of Mobile. }

Before me, J. N. McAleer, a notary public in and for the county of Mobile, State of Alabama, personally came M. P. Dowling, who is the bookkeeper of the Mobile Daily Item, in the city of Mobile, who being sworn to speak the truth says the copy of the notice published by the Mobile and West Alabama Railroad Company reading as follows:

## NOTICE.

Notice is hereby given that a bill will be introduced in the next Legislature of Alabama, asking that the two and three per cent. funds which may be in the Treasury of the State be appropriated to the Mobile and West Alabama Railroad Company, which has been located from Mobile bay to the Tennessee river at Sheffield and Florence, to aid in promoting the construction of said road.

H. Austill,  
Vice-President of the Mobile and West Alabama Railroad Company.

Was published in said Daily Item four consecutive weeks commencing December 17th, 1906, and ending January 7th, 1907.

M. P. Dowling.

Sworn to and subscribed before me this 15th day of January, 1907.

J. N. McAleer,  
Notary Public, Mobile County.

S. 99. To appropriate the two and three per cent. funds in the Treasury of Alabama, to the Mobile and West Alabama Railroad Company, to which a charter was granted by act of the General Assembly, approved February 11th, 1893.

Finance and Taxation.

Also (with notice and proof) as follows:

I, Max Hamburger, Jr., President and General Manager of the Herald Publishing Company, which said Company publishes a daily newspaper called The Daily Herald, in the city and county of Mobile, State of Alabama, do hereby certify that the following notice was published once a week for four consecutive weeks in said newspaper, beginning December 12th, 1906.

Max Hamburger, Jr.

Subscribed and sworn to before me this the 12th day of January, 1907.

William J. Goodman,  
Notary Public, Mobile County, Alabama

NOTICE.

Is hereby given that a bill will be introduced in the Legislature of Alabama, at its next session, providing for the election of a Solicitor for Mobile county, at the general election to be held in 1910, and each four years thereafter.

S. 100. To provide for the election of a solicitor for Mobile county.

Local Legislation.

Also (with notice and proof) as follows:

I, Max Hamburger, Jr., president and general manager of the Herald Publishing Company, which said company publishes a daily newspaper called The Daily Herald, in the city and county of Mobile, State of Alabama, do hereby certify that the following notice was published once a week for four consecutive weeks in said newspaper, beginning December 12th, 1906.

Max Hamburger, Jr.

Subscribed and sworn to before me, this the 12th day of January, 1907.

William J. Goodman,  
Notary Public, Mobile County, Alabama.

NOTICE.

Is hereby given that a bill will be introduced in the Legislature of Alabama, at its next session, fixing the compensation of the Solicitor of Mobile county, for the prosecution of criminal cases, at three hundred dollars a month, payable monthly out of the county treasury.

S. 101. To provide for the compensation of the Solicitor for Mobile county for the prosecution of criminal cases.

Local Legislation.

By Mr. Reynolds:

S. 102. To limit the charges to be collected by common carriers in Alabama for the transportation of goods, wares or merchandise where all or a part of said goods, wares or merchandise is not delivered or where all or a part of same is delivered in a damaged condition.

Commerce and Common Carriers.

Also:

S. 103. To provide for the better equipment and support of the University of Alabama, and to appropriate funds therefor.

Finance and Taxation.

By Mr. Blackmon:

S. 104. To amend section 3931 of the Code of Alabama.

Revision of Laws.

By Mr. King:

S. 105. To provide for the better assessment of personal and real property in this State.

Judiciary.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in the Senate Joint Resolution raising a joint committee to report on joint rules for the government of the two Houses of the Legislature.

Committee on part of the House—Messrs. John, Tunstall, Steagall and Long, of Butler.

And the House has adopted the joint resolution herewith sent.

By Mr. Goodwyn:

H. J. R. 20. Be it resolved by the House of Representatives, the Senate concurring.

1. That the Legislature of Alabama cordially commends and endorses the efforts being made by certain citizens of our State to secure the location in Birming-

ham of the sub-treasury of the United States government, and hereby requests the Senators and members of Congress from Alabama to locate the sub-treasury in said city.

2. That a copy of these resolutions be forwarded by the Secretary of State to the Senators and members of Congress.

By Mr. Thompson :

**H. J. R. 21.** Resolved by the House, the Senate concurring, That the Governor be and he is hereby requested to employ at the expense of the State, an expert accountant and direct him to examine the books and accounts of the Tuskegee Normal & Industrial Institute, and to make diligent inquiry into every department thereof, and to render a report in writing to the Legislature of Alabama of the financial condition of said Tuskegee Normal & Industrial Institute, said report to be rendered as soon as practicable, and that the governor is also authorized to employ said accountant to make any examinations of the books and accounts of any officer of this State which the governor may deem proper and same to be reported to the Legislature.

And the House has adopted the report of the Joint Committee providing joint rules for the two Houses of the Legislature.

C. B. Brown, Clerk.

#### HOUSE MESSAGE.

On motion of Mr. Lusk the House Joint Resolution to-wit:

**H. J. R. 20.** 1. "That the Legislature of Alabama cordially commends and endorses the efforts being made by certain citizens of our State to secure the location in Birmingham of the sub-treasury of the United States government and hereby requests the Senators and members of Congress from Alabama to locate the sub-treasury in said city."

2. "That a copy of these resolutions be forwarded by the Secretary of State to the Senators and members of Congress."

Was concurred in.

Also the Senate concurred in

H. J. R. 21. "Resolved by the House, the Senate concurring, That the governor be and he is hereby requested to employ at the expense of the State, an expert accountant and direct him to examine the books and accounts of the Tuskegee Normal and Industrial Institute, and to make diligent inquiry into every department thereof, and to render a report in writing to the Legislature of Alabama of the financial condition of said Tuskegee Normal and Industrial Institute, said report to be rendered as soon as practicable; and that the governor is also authorized to employ said accountant to make any examination of the books and accounts of any officer of this State which the governor may deem proper and same to be reported to the Legislature.

#### REPORTS OF COMMITTEES.

The following bills were returned to the Senate from committees, each having been acted upon by the respective standing committees in session as, in each case, stated below, and were read a second time, to-wit:

By Mr. Gardner, from Rules, favorably:

S. 1. To amend section 4 of an act to provide for subordinate employees of the Legislature.

By Mr. Overton, from Commerce and Common Carriers, favorably, (with amendment):

S. 7. To define and prohibit the unlawful giving, issuing, using, or receiving free passes, rebates, reductions or discounts for transportation by common carriers of passengers, and to punish the unlawful giving, issuing, using or receiving the same.

Also (with amendment) :

S. 2. To prescribe the measure of damages for loss, destruction or injury to, or failure to deliver goods by common carriers, and to regulate the collection thereof.

Also :

S. 5. To prescribe and regulate passenger rates on all railroads, other than street railroads, carrying passengers between points, within the State of Alabama.

By Mr. Bayles, from Revision of Laws, favorably :

S. 35. To amend section 4279 of the Code of Alabama.

Also :

S. 51. To provide that all bonds, all contracts of surety, guaranty or indemnity, made or entered into by any foreign corporation, to secure the performance of any act, or contract to be performed in this State, shall be governed by the laws of this State.

Also :

S. 13. To amend section 4003 of the Code of Alabama.

Also (with substitute) :

S. 20. To amend section five thousand and five (5005) of the Code of Alabama of 1896.

Also (with substitute) :

S. 28. To amend section 1803 of the Code of Alabama.

#### ORDER TO PRINT BILLS.

On motion of Mr. Blackmon, the Secretary was directed to have printed 300 copies each of the following bills S. 2, S. 5, and S. 7 for the use of the Senate.

#### REPORT OF COMMITTEE ON JOINT RULES OF THE TWO HOUSES.

Mr. Gardner, from the joint committee, on joint rules, for the two Houses, reported the following as the joint rules :

1. Upon the reception of a message from either House notifying the other of the originating and passing



of bills, the Secretary or Clerk, as the case may be, shall, immediately after the message is read, proceed to read the bills by their titles, unless the reading be called for by some member, in which event the bill shall be read at length, and referred to a committee. The House or Senate, as the case may be, shall then proceed with the business upon which it was engaged when the message was received; Provided, that messages from one House to the other shall take precedence over all other questions.

2. When House or Senate bills are signed by the presiding officer of the House or Senate, thereupon the Clerk or Secretary, as the case may be, shall notify the other House and request the signature of the presiding officer to the same; and as soon as the message is read, the presiding officer shall immediately sign the bills in the presence of the House or Senate, as prescribed by the constitution.

3. That no local or special bill shall be introduced into either House unless the member who introduces it discloses at the time the fact that the notice required by the constitution and laws has been given, and submits three copies of notice with proof thereof with the bill.

4. All bills for amendment to any section or part of the Code, in which the subject matter is stated in the title by reference to the section or other subdivision of the Code, must contain on the back of the bill, immediately below the title, a brief statement of the general subject to which such section or subdivision relates.

Mr. Reid offered the following as an amendment to Rule 3.

"That no local or special bill shall be introduced into either House, unless the member who introduces it, discloses at the time the fact that the notice required by the constitution and laws has been given and submits one original and two exact copies of proof thereof with the bill."

Which amendment was adopted, and the report of the joint committee as amended, was concurred in.

## RETURN OF SENATE BILLS.

Mr. Reynolds, from the Committee on Education, returned Senate bill No. 34.

S. 34. To amend section 4278 of the Code of Alabama.

And on motion, said bill was referred to Committee on Revision of Laws.

On motion of Mr. Lusk, Senate bill No. 16,

S. 16. To fix and establish the maximum rates to be charged by railroads now operating, or which may hereafter operate, as common carriers in (whole or in part) in the State of Alabama for the transportation, originating and terminating within the State, of certain articles, and for this purpose to classify said articles and said railroads.

Was returned to the Secretary and one thousand copies ordered printed.

## BILLS ON THIRD READING.

S. 3. To amend section 3972 (502) of the Code of Alabama of 1896 was taken up.

The following amendment offered by the Committee on Judiciary was adopted.

Amend by inserting the words "Long Distance" before the word telephone where ever the word telephone appears in the bill.

Yeas, 33; Nays, 0.

Yeas:

~~Missing:~~

Barbour	Hamburger	Lowe	Reid
Bayles	Hamner	Lusk	Reynolds
Blackmon	Hays	Merritt	Spragins
Davis	Heacock	Miller	Strother
Doster	Hinson	Moody	Teasley
Forrester	Jones	McWhorter	White
Gardner	King	Overton	Wilson
Glenn	Leath	Reese	Wimberly
Gunn			

And the bill as amended was read a third time at length and passed.

Yeas, 31; Nays, 0.

Yeas:

Messrs:

Barbour	Hamburger	Lowe	Reynolds
Bayles	Hamner	Lusk	Spragins
Blackmon	Hays	Merritt	Strother
Davis	Heacock	Miller	Teasley
Doster	Hinson	Moody	White
Forrester	Jones	McWhorter	Wilson
Gardner	King	Overton	Wimberly
Gunn	Leath	Reid	

—31.

#### RECESS.

On motion of Mr. Lusk, the Senate took a recess at 11:45 o'clock until 1 o'clock p. m.

#### AFTERNOON SESSION.

The Senate reconvened at 1 o'clock p. m., and on motion of Mr. Lusk

#### ADJOURNED,

Until 10:30 o'clock tomorrow morning.

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#### SEVENTH DAY.

Friday, January 18, 1907.

The Senate met pursuant to adjournment.

#### PRAYER.

Prayer by Rev. Dr. Lawrence of the city.

## ROLL CALL.

On a call of the roll the following Senators answered to their names:

Mr. President Hamner	Lowe	Reid
Barbour Hays	Lusk	Reynolds
Blackmon Heacock	Merritt	Spragins
Doster Hinson	Miller	Strother
Forrester Horton	Moody	Teasley
Gardner Jones	McWhorter	White
Glenn King	Overton	Wilson
Gunn Leath	Reese	Wimberly
Hamburger		

—32.

## JOURNAL.

On motion of Mr. Gunn, the reading of the Journal was dispensed with and same was approved.

## NOTICE.

Mr. Blackmon gave notice, that on Monday, January 21st, 1907, he would make motion to reconsider the vote by which the Senate passed the bill,

S. 3. To amend section 3972 (505) of the Code of Alabama of 1896.

## RESOLUTION.

Mr. Reynolds offered the following resolution which was adopted.

S. R. 20. Be it resolved by the Senate that all institutions of learning seeking appropriations from the present Legislature are hereby requested to submit briefly to the Legislature the following information.

1. Number of pupils enrolled for session 1906-7.
2. Number of pupils actually in attendance on Jan. 15, 1907.
3. Number of pupils from each county.

4. Number of pupils in the boarding department of the school.
5. Number of teachers employed.
6. Number of hours taught by each teacher per day.
7. Salary of each teacher.
8. Amount of last preceding appropriation and how used.
9. Needs of school at present and reasons for increased appropriation.
10. Amount of present indebtedness of school.
11. Value of present property of the school.
12. Income of the school aside from the State appropriations.

And on motion of Mr. Gardner, 300 copies were ordered printed for the use of the Senate.

#### INTRODUCTION OF BILLS.

On the call of the districts, bills were introduced, read and referred to appropriate standing committees, as follows:

By Mr. Lusk:

S. 106. To require and authorize the railroad commissioner to prescribe rules, regulations and requirements for the issuance and use of interchangeable mileage tickets of passengers on and over lines of transportation of common carriers of passengers in this State, and punish any violators of such orders, rules, regulations and requirements.

Commerce and Common Carriers.

By Mr. Hamner (with notice and proof):

#### NOTICE.

Notice is hereby given that at the next session of the Legislature of Alabama, which session will begin January 8, 1907, a bill will be introduced for the purpose of regulating and prohibiting the bargain, sale or transfer

of intoxicating beverages, including spirituous, vinous and malt liquors in Etowah county, outside the corporate limits of incorporated cities and towns.

This November 30, 1906.

4t (Signed)

E. D. Hamner.

I, L. S. Gray, editor and proprietor of the Attalla Mirror, a weekly newspaper published at Attalla, Alabama, hereby certify that the foregoing notice was published in said newspaper for four consecutive weeks, as follows: December 6th, December 13th, December 20th, and December 27th, 1906. This January 5th, 1907.

(Signed)

L. S. Gray,  
Editor and Proprietor.

Subscribed and sworn to before me this January 5th, 1907.

(Seal.)

Albert Spencer,  
Notary Public.

By Mr. Hamner:

S. 107. To prohibit the sale, barter, or transfer for profit, either direct or indirect, of any spirituous, vinous or malt liquors, or other intoxicating drinks or beverages in Etowah county, in this State outside the corporate limits of incorporated cities and towns.

Temperance.

By Mr. Leith:

S. 108. To provide for paying persons who are convicted of felony where they appeal to the supreme court when the cause is reversed and remanded or rendered. Penitentiary, Prison and Punishment.

By Mr. Doster:

S. 109. To aid and encourage technical education in the State of Alabama, in providing for the erection and equipment of buildings and increased at the Alabama Polytechnic Institute.

Finance and Taxation.

By Mr. Hinson :

S. 110. To regulate the carrying and the use of fire-arms.

Penitentiary, Prison and Punishment.

By Mr. Reid :

S. 111. To establish three special grades of instruction in the graded public schools of Alabama, to prescribe the branches to be taught, and the qualifications and manner of obtaining instruction therein.

Education.

By Mr. Reid :

S. 112. To amend section 962 of the Code of Alabama.

Revision of Laws.

By Mr. Reynolds :

S. 113. To define vagrancy, and to provide for the proof and punishment thereof.

Revision of Laws.

By Mr. Reese :

S. 114. To further provide for and authorize municipal corporations to regulate and fix the charges, rates, compensation and tolls of persons, firms or corporations operating systems or lines for the rent, use, hire of telephones and for the transmission and delivery of messages.

Revision of Laws.

By Mr. Hamburger :

S. 115. To increase the efficiency of trust companies.

Banking and Insurance.

S. 116. By Mr. Hamburger (with notice and proof) as follows :

#### NOTICE.

Is hereby given that a bill, in substance as follows, will be introduced and proposed for passage at the approaching session of the Legislature of Alabama, to-wit :

A bill to be entitled an act to amend sections two (2), three (3), five (5), six (6), seven (7), eight (8), nine (9), ten (10), thirteen (13), and fourteen (14), of an

act to establish an inferior criminal court in the county of Mobile, approved February 23, 1899.

Section 1. Be it enacted by the Legislature of Alabama, That section two (2) of an act entitled an act to establish an inferior criminal court in the county of Mobile, approved February 23, 1899, be and the same is hereby amended so as to read as follows. Section 2. Be it further enacted, That before said judge of said inferior criminal court shall enter upon the discharge of the duties of his office, he shall qualify by taking the oath of office prescribed by the constitution.

Section 2. Be it enacted by the Legislature of Alabama, That section three (3) of an act entitled an act to establish an inferior criminal court in the county of Mobile, approved February 23, 1899, be and the same is hereby amended so as to read as follows: Section 3. Be it further enacted That the judge of the said inferior criminal court shall reside in the county of Mobile, and shall hold his office in the city of Mobile, in a building or courtroom to be provided and furnished by the board of revenue and road commissioners of Mobile county, with suitable furniture, fuel, books, dockets, telephones, Alabama reports, typewriters, seal and stationery necessary for the proper administration of the said inferior criminal court.

Section 3. Be it enacted by the Legislature of Alabama, That section (5) of an act entitled an act to establish an inferior criminal court in the county of Mobile, approved February 23, 1899, be and the same is hereby amended so as to read as follows: Section 5. Be it further enacted, That said judge of said inferior criminal court shall have power to punish for contempt of court by fine not to exceed ten dollars, and by imprisonment not to exceed twenty-four hours, one or both. The said court herein provided for shall be a court of record with a seal, and the judge or clerk shall have the authority to certify the record and proceedings of said court. The judge of said court shall have authority to perform marriage ceremonies, such as is now possessed by justices of the peace. From any judgment of this court defendants shall have the right to appeal to the city



court of Mobile under the same regulations and requirements as now govern appeals from the court of justices of the peace to the said city court of Mobile; and the bond furnished in such cases shall be governed by the same law as now regulate appeals from the courts of justices of the peace. In case the judge of said inferior criminal court, by reason of sickness or otherwise, is incapacitated to hold court, he shall have authority to appoint or designate some competent person to act as judge of said court until the judge herein provided for shall be able to return to duty, and the clerk of the inferior criminal court, under the direction of the judge of said court, shall enter the appointment or designation of such competent person to act as judge of said court upon the records of said inferior criminal court, and a record entry shall be made by the clerk of said court when the regular judge returns to his duty. The judge pro tem, so appointed or designated, before entering upon the duties of his office, shall qualify by taking oath of office prescribed by the constitution, and the said judge pro tem shall then have and exercise all the powers and authorities herein conferred upon the judge of said inferior criminal court. Such judge pro tem shall receive as compensation for his services, during the time that the regular judge of said court incapacitated by law, sickness, or other act of Providence, the sum of ten dollars per day for each day he is actually engaged in holding such court, to be paid out of the treasury of Mobile county upon a certification issued by the clerk of the said inferior criminal court, setting forth the number of days that the judge pro tem actually engaged in holding court.

Section 4. Be it enacted by the Legislature of Alabama, That section six (6) of an act entitled an act to establish an inferior criminal court in the county of Mobile, approved February 23, 1899, be and the same is hereby amended so as to read as follows: Section 6. Be it further enacted, That said judge of said inferior criminal court shall appoint some competent person to act as clerk of his said court. The duty of said clerk shall be to keep a record of all the proceedings of the said court; he shall keep in a book to be furnished by

the board of revenue and road commissioners of Mobile county a properly arranged docket of all cases tried in said court and all examinations had therein, which docket shall set forth the nature of the case, the date of the issue and the return of all processes, and a statement of the judgment rendered in the case sufficient to clearly show what was done in the case, together with an itemized copy of the bill of costs, and by whom paid. The said clerk shall have the authority to issue warrants sworn out in said court, and to take and certify the affidavit of the prosecutor. He shall attend upon the duties of said court at such hours as are designated by the judge thereof, and shall perform such other clerical duties as may be prescribed by the judge of said court. Said clerk, before entering upon the performance of the duties of his office, shall furnish to the probate judge of Mobile county a bond with sufficient sureties, in the sum of two thousand dollars, to be conditioned and approved in the same manner as the bond for the clerk of the city court of Mobile, and said bond can be given in any solvent guaranty and indemnity company. The term of office of said clerk shall be for the period of one year, unless sooner removed by the judge of said court, which can be done by an order of removal or discharge entered upon the records of said court. For all the services rendered in the said court the said clerk shall receive an annual salary of eighteen hundred dollars, payable monthly from the county treasury of Mobile county, and he shall receive no fees whatever. It shall be the duty of said clerk to assess and collect in each criminal case all ~~the costs, fines, and fees~~ provided for under the laws of Alabama for justices of the peace, and such monies so collected by him shall by him be paid into the treasury of Mobile county. The said clerk shall have the authority to swear witnesses at the trial of all criminal cases in said court, and to administer oaths and take affidavits in all cases in which the authority to administer such oaths or take such affidavits is not confined to some other officer. The said clerk shall have the authority to appoint deputies, with full power to transact all business of such clerk, such deputy first taking an oath to

support the constitution and laws of this State and faithfully to discharge the duties of deputy clerk of the said inferior criminal court.

Section 5. Be it enacted by the Legislature of Alabama, That section seven (7) of an act entitled an act to establish an inferior criminal court in the county of Mobile, approved February 23, 1899, be and the same is hereby amended so as to read as follows: Section 7. Be it further enacted, That the forms authorized by law to be used by justices of the peace or judges of the county court in like proceedings, or others substantially the same, may be used by said judge or clerk of said inferior court.

Section 6. Be it enacted by the Legislature of Alabama, That section eight (8) of an act entitled an act to establish an inferior criminal court in the county of Mobile, approved February 23, 1899, be and the same is hereby amended so as to read as follows: Section 8. Be it further enacted, That the same costs shall be taxed and collected in the said inferior criminal court, and in the same manner as is provided by sections 4574, 4575, 4576 and 4577 of the Code, and when the prosecution is frivolous or malicious the said judge may charge the prosecutor with the costs, whenever the defendant be acquitted or discharged, for which costs said prosecutor may confess judgment with good and sufficient surety, and failing so to do, or to pay the costs presently, must be imprisoned in the county jail or sentenced to hard labor for the county, for not exceeding ten days. The person who makes affidavit to have the warrant issued shall be deemed and held to be the prosecutor.

Section 7. Be it enacted by the Legislature of Alabama, That section nine (9) of an act entitled an act to establish an inferior criminal court in the county of Mobile, approved February 23, 1899, be and the same is hereby amended so as to read as follows: Section 9. Be it further enacted, That it shall be the duty of the said clerk of the said inferior criminal court to report and pay into the county treasury on Monday of each week the amount of fines, forfeitures, penalties and costs collected by him since the date of his last report.

Section 8. Be it further enacted by the Legislature of Alabama, That section ten (10) of an act entitled an act to establish an inferior criminal court in the county of Mobile, approved February 23, 1899, be and the same is hereby amended so as to read as follows: Section 10. Be it further enacted, That witnesses in cases before said judge of the said inferior criminal court shall be entitled to the same fees, to be taxed and collected in the same manner, as is provided in like cases before justices of the peace, provided that said witnesses shall demand of said clerk in advance of the trial that said fees be taxed and collected for their benefit.

Section 9. Be it enacted by the Legislature of Alabama, That section thirteen (13) of an act entitled an act to establish an inferior criminal court in the county of Mobile, approved February 23, 1899, be and the same is hereby amended so as to read as follows: Section 13. Be it further enacted, That the compensation of said judge of said inferior criminal court shall be thirty-six hundred dollars per annum, payable monthly out of the county treasury.

Section 10. Be it enacted by the Legislature of Alabama, That section fourteen (14) of an act entitled an act to establish an inferior criminal court in the county of Mobile, approved February 23, 1899, be and the same is hereby amended so as to read as follows: Section 14. Be it further enacted, That the said judge or clerk of said inferior criminal court shall address processes of whatever nature or kind to the sheriff of Mobile county, who shall either himself or by deputy execute the same. ~~When required by the said judge, the sheriff shall furnish a bailiff for said inferior criminal court. The sheriff~~ shall receive no fees, but as compensation for the services required of him, and for furnishing the bailiff, he shall receive eighteen hundred dollars per annum, to be paid monthly out of the county treasury.

D24-oaw-4t.

The State of Alabama, }  
 County of Mobile. }

Before me, Foster K. Hale, Jr., a notary public in and for said State and county, personally appeared John F. Carter, Jr., who being first duly sworn, deposes and says that he is the managing editor of the Daily Herald, a daily newspaper published by the Herald Publishing Company in the city and county of Mobile, Alabama, and that he had personal knowledge of the fact that the notice hereto attached, having as its object the amendment of sections two, three, five, six, seven, eight, nine, ten, thirteen, and fourteen, of an act entitled an act to establish an inferior criminal court in the county of Mobile, approved February 23, 1899, has been published once a week for four consecutive weeks in said Daily Herald, just prior to the making of this affidavit.

J. F. Carter, Jr.

Sworn to and subscribed before me this 17th day of January, 1907.

F. K. Hale, Jr.,

, Notary Public, Mobile County, Alabama.

By Mr. Hamburger:

S. 116. To amend sections two (2), three (3), five (5), six (6), seven (7), eight (8), nine (9), ten (10), thirteen (13), and fourteen (14), of an act entitled an act to establish an inferior criminal court in the county of Mobile, approved February 23, 1899.

Municipalities and Municipal Organizations.

By Mr. Reynolds:

S. 117. To classify the public schools of Alabama and to name the branches of study to be taught in the same.

#### REPORTS OF COMMITTEES.

The following bills were returned to the Senate from committees, each having been acted upon by the respective standing committees in session as, in each case, stated below, and were read a second time, to-wit:

By Mr. Lusk, from the Judiciary committee, favorably:

S. 74. An act to amend sections 1310 and 1313 of the Code of Alabama of 1896.

By Mr. Hamner, from Committee on Banking and Insurance, favorably:

S. 4. To further define, prevent and punish unlawful use of money, securities, funds, or property of corporations, incorporated companies or incorporated associations by such corporations, incorporated companies or incorporated associations, servants, agents, officers or members thereof.

By Mr. Merritt, from Committee on Local Legislation, favorably:

S. 23. To provide for the appointment by the court of county commissioners of Talladega county, Alabama, of an official stenographer for said county, to define his duties and provide for his compensation.

Also:

S. 46. To divide the county of Macon into four commissioners districts and to provide for the election of a commissioner for each district.

Also:

S. 47. To fix the time of holding the city court of Montgomery.

Also (with amendment):

S. 53. To create the office of deputy solicitor for Dallas county, define his duties and fix his compensation.

Also (with amendment):

S. 54. To alter and fix the boundaries of Selma, a municipal corporation in Dallas County, Alabama.

#### ORDER TO PRINT BILLS.

On motion of Mr. Overton one thousand copies of each of the following bills, S. 15, 17, 18, 43, and 44, were ordered printed for the use of the Senate.

## REPORT OF COMMITTEE ON RULES.

Mr. Gardner, from the committee on rules reported favorably Senate resolution No. 12, as follows:

S. R. 12. Resolved, That a standing committee consisting of seven members be raised to be known as the committee on Game, Fish and Forrestry Preservation.

Also offered the following resolution from standing committee:

S. R. 21. Resolved, That the committee on Temperance be authorized to employ a clerk whose duty it shall be to serve said Temperance committee as clerk and who shall also serve as clerk to the committee on Mining and Manufacturing and Penitentiary, Prisons and Punishments.

Which said resolutions were, under a suspension of the rules, immediately considered and adopted.

## ANNOUNCEMENT OF COMMITTEE.

The President announced as the committee on Game, Fish and Forrestry Preservation—Messrs. King, chairman, Spragins, Hamburger, Bayles, Hinson, Hays, Blackmon.

## BILLS ON THIRD READING.

The bill,

S. 1. To amend section 4 of an act to provide for subordinate employes of the Legislature.

Was taken up and ordered to a third reading.

Mr. Blackmon offered the following amendment:

“Provided, that the bill shall not take effect until the meeting of the next session of the Legislature.”

Which under the rules of the Senate was declared out of order, and the bill was read a third time at length and passed.

Yeas, 24; Nays, 8.

Yeas :

Messrs :—

Barbour	Hays	Merritt	Spragins
Gardner	Heacock	Miller	Strother
Glenn	Horton	McWhorter	Teasley
Gunn	Leith	Overton	White
Hamburger	Lowe	Reid	Wilson
Hamner	Lusk	Reynolds	Wimberly

—24.

Nays :

Messrs :—

Blackmon	Doster	Hinson	King
Davis	Forrester	Jones	Moody

—8.

The bill,  
S. 35. To amend section 4279 of the Code of Alabama.

Was read a third time at length and passed.

Yeas, 32; Nays, 0.

Yeas :

Messrs :—

Barbour	Hamner	Lowe	Reid
Blackmon	Hays	Lusk	Reynolds
Davis	Heacock	Merritt	Spragins
Doster	Hinson	Miller	Strother
Forrester	Horton	Moody	Teasley
Gardner	Jones	McWhorter	White
Glenn	King	Overton	Wilson
Gunn	Leith	Reese	Wimberly

—32.

Nays—0

The bill,  
S. 28. To amend section 1803 of the Code of Alabama.

Was taken up.

The committee on Revision of Laws offered the following substitute for Senate bill 28.

## AN ACT.

To amend section 1803 of the Code of Alabama.



Be it enacted by the Legislature of Alabama, That section 1803 of the Code of Alabama be amended so as to read as follows:

1803. When proof of corporation or partnership not required. When suit is brought by a corporation, or by partners, the plaintiff must not be required to prove the existence of the corporation, or the firm, or the individuals composing it, unless the same is denied by plea verified by affidavit filed within the time allowed for filing pleas in abatement; and when suit is brought against a corporation, partners or a partnership and as they enter an appearance or file pleas in the cause, the plaintiff must not be required to prove the existence of the corporation or the partnership or the individuals composing it, unless the same is denied by plea verified by affidavit filed within the time allowed for filing pleas in abatement.

Mr. Reid moved to table the substitute offered by the committee, which was lost, and the substitute was then adopted.

Yeas, 23; Nays, 5.

Yeas:

Messrs:—

Barbour	Heacock	Merritt	Reynolds
Blackmon	Hinson	Miller	Spragins
Gardner,	Jones	Moody	Teasley
Glenn	Leith	McWhorter	White
Gunn	Lowe	Overton	Wimberly
Hamner	Lusk	Reese	

—23.

Nays:

Messrs:—

Davis	Forrester	Reid	Strother
Doster			

—5.

The bill thus amended was read a third time at length and passed.

Yeas, 29; Nays, 0.

Yeas:

Messrs:—

Barbour	Hays	Merritt	Reynolds
Blackmon	Heacock	Miller	Spragins
Doster	Hinson	Moody	Strother
Forrester	King	McWhorter	Teasley
Gardner	Leith	Overton	White
Glenn	Lowe	Reese	Wilson
Gunn	Lusk	Reid	Wimberly.
Hamner			

—29.

The bill,

S. 20. To amend section five thousand and five (5005) of the Code of Alabama of 1896.

Was taken up, together with the amendment thereto by way of substitute therefor offered by the committee on Revision of Laws, as follows:

To amend section 5005 of the Code of Alabama of 1896.

Section 1. Be it enacted by the Legislature of Alabama, That section 5005 of the Code of Alabama of 1896 be and the same is hereby amended so as to read as follows: What constitutes venire for the trial of capital cases.

When the day set for the trial of capital case or cases is a day of the same week in which special jurors are drawn as provided in the preceding section, the special jurors so drawn, together with the panel of petit jurors organized for the week, shall constitute the venire from which the jury or juries to try said case or cases shall be selected; and when the day set for the trial is a day of a subsequent week of the term, the special jurors so drawn together with the regular jurors drawn for such subsequent week, or such as are or may be summoned under the provisions of section 4998 for such subsequent week shall constitute such venire.

And said substitute was lost.

Yeas, 4; Nays, 27.

Yeas:

Messrs:—

Hamner	Heacock	Spragins	Strother
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—4.

Nays:

Messrs:—

Barbour	Gunn	Lusk	Reid
Blackmon	Hinson	Merritt	Reynolds
Davis	Horton	Miller	Teasley
Doster	Jones	Moody	White
Forrester	King	McWhorter	Wilson
Gardner	Leith	Overton	Wimberly.
Glenn	Lowe	Reese	

—27.

The question then recurred upon the engrossment and third reading of the bill, and the Senate refused to order the engrossment and third reading of said bill, and upon motion of Mr. Lusk, the same was tabled.

#### SPECIAL ORDER SET.

The bill,

S. 5. To prescribe and regulate rates on all railroads, other than street railroads, carrying passengers between points, within the State of Alabama.

Was taken up.

And on motion of Mr. Lusk, the same was made the special order for Monday, January 21, 1907, at 12 o'clock m.

#### RECOMMITMENT OF BILLS.

The bill,

S. 51. To provide that all bonds, or contracts of surety, guaranty or indemnity, made or entered into by any foreign corporation, to secure the performance of any act, or contract to be performed in this State, shall be governed by the laws of this State.

Was taken up.

And upon motion of Mr. Reese, the same was recommitted to the committee of Revision of Laws for further consideration.

## RECALL AND RECOMMITMENT OF BILLS.

On motion of Mr. Reese, the bill,

S. 52. To prohibit the dealing in future contracts in the State of Alabama.

Was recalled from the Judiciary and referred to the committee on Revision of Laws.

And the bill,

S. 60. To regulate and fix the status of surety, guaranty and indemnity bonds in cases of deviation and departures from and alterations of the contract or obligation secured by such bonds.

Was recalled from the Finance and Taxation and referred to the Committee on Revision of Laws.

## RECOMMITMENT OF BILL.

The bill,

S. 13. To amend section 4003 of the Code of Alabama.

Was taken up, and on motion of Mr. Blackmon the same was recommitted to the committee on Revision of Laws for further consideration.

## SENATE JOINT RESOLUTION.

Mr. Spragins offered the following Senate Joint Resolution:

S. J. R. 22. Resolved by the Senate, the House concurring, that Governor Haywood, of South Carolina, ~~who is now attending the Cotton Growers Association at Birmingham, Ala.,~~ be invited to address the Legislature of Alabama on the working of the immigration bureau in his state and the results attained, at such time as may be convenient for him, and that such invitation be extended to Governor Haywood in behalf of the Legislature of Alabama by the Lieutenant Governor of Alabama.

And moved that the rules be suspended, and the resolution put upon its immediate passage.

Which motion prevailed and said resolution was adopted.

## MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in the Senate Joint resolution relative to Governor Haywood of South Carolina addressing the Legislature of Alabama on the workings of the Immigration Bureau in his State.

And has concurred in the Senate Joint resolution relative to the adjournment of the two Houses on Saturday, January 19, 1907, in recognition of the anniversary of the birthday of General R. E. Lee.

And the House has adopted the following Joint resolutions herewith sent:

## JOINT HOUSE RESOLUTION.

Whereas, the Legislature of the State of Alabama which is now in session is the Legislature chosen next preceding the expiration of the time for which the Honorable John Tyler Morgan was elected a Senator to represent the State of Alabama in the Congress of the United States.

Be it resolved by the House of Representatives, the Senate concurring, that the House of Representatives and the Senate of the Legislature of Alabama shall meet in their respective halls on Tuesday the twenty-second day of January, one thousand nine hundred and seven, the same being the second Tuesday after the meeting and organization of said Legislature and that they proceed separately to vote for a Senator in Congress from the State of Alabama for the term of six years, beginning on the 4th day of March, 1907, when the present term of the said John Tyler Morgan as such senator from the State of Alabama shall expire, such proceedings in either House to conform to the statutes of the United States providing for the election of senators to the Congress of the United States.

An that on Wednesday, the 23d day of January, 1907, at the hour of 2 p. m., the members of the Senate and House of Representatives convene in joint assembly in the hall of the House of Representatives and then and

there read the Journals of each House and declare the result so as to conform to the statutes of the United States.

#### JOINT HOUSE RESOLUTION.

Whereas, the Legislature of the State of Alabama which is now in session is the Legislature chosen next preceding the expiration of the time for which the Honorable Edmund Winston Pettus was elected a Senator to represent the State of Alabama in the Congress of the United States.

Be it resolved by the House of Representatives, the Senate concurring, that the House of Representatives and the Senate of the Legislature of Alabama shall meet in their respective halls on Tuesday the twenty-second day of January, one thousand nine hundred and seven, the same being the second Tuesday after the meeting and organization of said Legislature and that they proceed separately to vote for a Senator in Congress from the State of Alabama for the term of six years, beginning on the 4th day of March, 1909, when the present term of the said Edmund Winston Pettus as such senator from the State of Alabama shall expire, such proceedings in either House to conform to the statutes of the United States providing for the election of senators to the Congress of the United States.

An that on Wednesday, the 23d day of January, 1907, at the hour of 2 p. m., the members of the Senate and House of Representatives convene in joint assembly in the hall of the House of Representatives and then and ~~there read the Journals~~ of each House and declare the result so as to conform to the statutes of the United States.

And the House has concurred in the Senate amendment to the Joint rules of the two Houses.

Cyrus B. Brown, Clerk.

#### HOUSE MESSAGE.

The Senate concurred in the House Joint resolutions relative to the election of United States Senators from

Alabama to succeed Senators Morgan and Pettus on Tuesday, January 23, 1907, and also the meeting of the two Houses on Wednesday, January 24, 1907, to read the two Journals of the two Houses and declare the result in accordance with the United States statutes, made and provided.

#### ADJOURNMENT.

At 1:30 p. m., on motion of Mr. Spragins, the Senate adjourned until 12 o'clock M., Monday, January 21, 1907.

#### EIGHTH DAY.

Monday, January 21st, 1907.

Senate met pursuant to adjournment.

Prayer by Rev. Dr. O'Hara of the city.

#### ROLL CALL.

Present:

Messrs:—

President	Gunn	Lowe	Reid
Barbour	Hamburger	Lusk	Reynolds
Bayles	Hamner	Merritt	Spragins
Blackmon	Hays	Miller	Strother
Davis	Heacock	Moody	Thomas
Doster	Hinson	McWhorter	White
Forrester	Horton	Overton	Wilson
Gardner	Jones	Reese	Wimberly
Glenn	Leith		

—33.

#### JOURNAL.

On motion of Mr. Barbour the reading of the Journal of yesterday was dispensed with and the same was approved.

LEAVE OF ABSENCE.

Leaves of absence were granted to Messrs. King and Teasley for today.

PRIVILEGES OF THE FLOOR.

Privileges of the floor were extended to Messrs. R. H. Thatch, John T. Lackey, G. L. Comer and D. M. Powell for today.

INTRODUCTION OF BILLS.

On the call of the districts, bills were introduced, read and referred to appropriate standing committees, as follows:

By Mr. Hays:

S. 118. To amend an act entitled an act to better provide for the revenue of the State, amending subdivision two of section 3907 of the Code, approved March 4th, 1903.

Revision of Laws.

By Mr. Wilson:

S. 119. To prohibit, regulate and restrict the sale or other disposition of intoxicating liquors, drinks or beverages within the State of Alabama by providing for elections in the various counties of the State to determine whether the sale or other disposition of such intoxicating liquors, drinks or beverages shall be so prohibited, regulated or restricted.

Temperance.

S. 120. by Mr. Wilson, (with notice and proof) as follows:

NOTICE.

Notice is hereby given that at the next session of the Legislature of Alabama application will be made for the passage of an act in substance as follows:



An act to establish a board of revenue for Winston county and to define its duties and powers, and for the abolishment of the court of county commissioners of said county.

Section 1. Be it enacted by the Legislature of Alabama, That there is hereby established a board consisting of four persons, and the president, to be called the board of revenue of Winston county, which board of revenue shall be appointed by the governor immediately after the approval of this act, and shall hold their office for a term of four years from the date of their several appointments, and until their successors are appointed in like manner and qualified. Four of the members of said board to be appointed one from each of the commissioner's districts, as heretofore laid off and established by the commissioners' court of Winston county, Alabama, each of whom must be a resident citizen of the district for which he is appointed and must reside in said district during his term of office. The president of said board hereby established shall have been a resident of said county for a period of five years next previous to the date of his appointment, and shall be over the age of twenty-five years, who may reside in any of the districts of the county. Each of the members of said board of revenue shall before they enter upon the discharge of their duties, subscribe to the oath required of county commissioners in the several counties of this State, and shall execute a good and sufficient bond in the sum of two thousand dollars, which said bond shall be conditioned and subject to the same penalties as other official bonds, to be approved by the judge of probate of said county, and recorded as other official bonds of said county.

Sec. 2. That when the board hereby established shall be in session, the president shall preside over said board and in his absence, the members of said board or a majority of them, shall elect one of their number to act as president pro tempore, who shall thereafter, in the absence of the president, preside over said board, and upon a tie vote on any question the president shall give

the casting vote, and a majority of said members of the board shall be a quorum to do business.

Sec. 3. That said board of revenue hereby established shall have the power and authority to direct and control the property of the county as it may deem expedient according to law, to levy a general tax for general purposes and a special tax for particular purposes according to the general laws of Alabama, and all special acts heretofore conferring power upon the court of county commissioners of said county; to examine, settle and allow accounts and claims chargeable against the county; to examine and audit the accounts of all officers having the care, management, collecting or disbursement of moneys, belonging to the county or appropriated for its use and benefit; to have exclusive control of the convict labor of the county, and the disbursement of the proceeds of the same; to have a general superintendence of the public roads of the county; and the sole right and authority to bind the county in any contract for the payment of money.

Sec. 4. That the said board of revenue hereby established shall have all the jurisdiction and all the powers which are now, or may hereafter be, by law vested in the courts of county commissioners in this State, and the several members of the board hereby established shall respectively perform all the duties and services and exercise all the powers, which are, or may be, required by law of the several members of courts of county commissioners in this State.

Sec. 5. That all general laws hereafter enacted by the Legislature of Alabama in relation to the jurisdiction, power, authority or duties of said courts of county commissioners in this State, shall apply to the board of revenue hereby established, except so much of said general laws as may relate to the mode of selecting the members of said board of revenue.

Sec. 6. That said board of revenue hereby established shall have possession and control and custody of all papers, records and books pertaining to the court of county commissioners, or connected with its business, and all papers and books relative to the public roads in

said county. And all business which before the establishment of said board of revenue was pending and undetermined in the court of county commissioners heretofore existing in said county of Winston, shall be heard and determined and disposed of by the board of revenue hereby established.

Sec. 7. That the president of said board of revenue hereby established shall keep a record of all the proceedings of said board, sign the minutes of its proceedings, and shall sign and issue all warrants drawn on the county treasurer and all orders for the payment or disbursement of money or funds of said county, and it shall be its duty to receive and prepare all business coming before the board, to file all petitions to be presented to said board and obtain information for the sessions of the same, and to report to the board all infractions of the revenue law of said county of which he can obtain authentic information. He is hereby authorized to administer all oaths, and take all affidavits in relation to any matter coming before said board of revenue to be heard and determined. He shall exercise all the powers and perform all the duties required of judge of probate as to matters coming before the several courts of county commissioners of this State, and it shall be its duty to issue a commission to apportioners and overseers of public roads when same have been appointed and issue all process necessary to carry into effect the orders of said board.

Sec. 8. That said board of revenue shall hold four sessions annually, viz. first Monday in February, April, June, August and November of each calendar year, and may hold special sessions at any time upon the call of the president or any three members thereof.

Sec. 9. That the members of said board shall each be entitled to receive three dollars per day for each day of actual service rendered, five cents per mile for traveling to and from the sittings of the board, to be paid out of the county treasury in the certificate or warrant signed by the president of said board; provided, that the president of said board shall be entitled to a further compensation of one hundred and fifty dollars, to be

paid in the same manner, per annum, for keeping a record of the proceedings of said board, and services relative to the public roads of said county, which said sum may be paid in quarterly installments.

Sec. 10. That the board of revenue hereby established shall discharge and perform in said county of Winston all the duties in relation to the selection and drawing of grand and petit juries, now required by law, or hereafter required by law to be performed by the members of the commissioners courts or boards of revenue in different counties of this State.

Sec. 11. That the court of county commissioners of Winston county be, and the same is hereby abolished, and that the probate judge of said county is hereby relieved of his duties to the court of county commissioners of said county, which duties shall hereafter be performed by the president of the board hereby established. This act shall take effect immediately after its approval.

Sec. 12. That said board of revenue hereby established shall have jurisdiction and it shall be their duty to appoint all officers for the holding of elections in said county, under laws governing elections and that the sheriff, probate judge and circuit clerk of said county are hereby relieved of that duty.

Sec. 13. That all laws both general and special in conflict with the provisions of this act be and the same are hereby repealed.

The State of Alabama, }  
 Winston County. • }

Before me, B. J. Cowart, a notary public in and for said county, this day personally came G. W. Adkins, known to me to be the editor and manager of the New Era, a weekly newspaper published at Double Springs, Alabama, in said county, who being by me duly sworn, deposes and says that the notice hereto attached was published once a week for four consecutive weeks in said newspaper next before the making of this affidavit.

Geo. W. Adkins.

Sworn to and subscribed before me, this the 17th day of January, 1907.

B. J. Cowart, Notary Public.

S. 120. To establish a board of revenue for Winston county, and to define its duties and powers, and for the abolishment of the court of county commissioners of said county.

Revision of Laws.

S. 121. By Mr. Hamner, (with notice and proof) as follows:

NOTICE.

Notice is hereby given that a bill will be introduced at the next session of the Legislature which convenes about January 8, 1907, prohibiting the sale of whiskey or other intoxicants within a distance of three miles in all directions from Sardis Missionary Baptist church, near Mountainboro in Etowah county,, Ala., said law not to affect any portion of Marshall county where same may lie within the prohibited territory.

(Signed)

H. J. Morgan.

• (Signed)

J. N. Williams.

12-20-4t.

I, L. S. Gray, editor and proprietor of the Attalla Mirror, a weekly newspaper published at Attalla, Alabama, hereby certify that the foregoing notice was published in said newspaper for four consecutive weeks, as follows, to-wit: December 20th and December 27th, 1906, and January 3rd and January 10th, 1907.

This January 17th, 1907.

(Signed)

L. S. Gray.

Subscribed and sworn to before me this January 17, 1907.

(Signed)

Albert Spencer, Notary Public.

(Seal.)

By Mr. Hamner:

S. 121. To prohibit the sale of spirituous, vinous or malt liquors or other intoxicating beverages within three miles of Sardis Missionary Baptist church, which is located near the town of Mountainboro, in Etowah

county, Alabama, except as the three mile limit may overlap or extend into Marshall county, Alabama.

#### Local Legislation.

By Mr. Heacock:

S. 122. For the additional relief of needy Confederate soldiers and sailors who are resident citizens of the State of Alabama and their widows by the appropriation of such sum, out of any fund in the treasury not otherwise appropriated, as may be necessary to pay pensioners of the first class, \$100.00 each, of the second class, \$83.33, of the third class, 66.66, and of the fourth class, \$50.00 each for the fiscal years beginning October 1st, 1907, 1908, 1909.

#### Finance and Taxation.

By Mr. Heacock:

S. 123. To amend sections 12 and 16 of an act entitled an act for the relief of needy Confederate soldiers and sailors, resident citizens of Alabama, and their widows, approved the 10th day of February, 1899.

#### Finance and Taxation.

By Mr. Strother:

S. 124. To amend section 1 of an act entitled an act to amend section 4583 of the Code of Alabama (1896) approved February 23rd, 1899.

#### Revision of Laws.

By Mr. Strother:

S. 125. To provide for the payment out of convict funds of certain funds of certain items of costs in felony cases, to fix the amount of said items, and to prescribe the extent to which such costs will be paid, and the manner of paying them.

#### Finance and Taxation.

By Mr. Gunn:

S. 126. To amend section 4319 of the Code of Alabama of 1896.

#### Revision of Laws.

By Mr. Gunn:

S. 127. To prevent discrimination in the sale of country produce.

#### Judiciary.

By Mr. Gunn:

S. 128. By Mr. Gunn (with notice and proof) as follows:

NOTICE.

To Whom It May Concern :

You will take notice that at the session of the Legislature of Alabama in the year 1907, a bill to create and establish a criminal court of record, for Clarke county, Alabama, to be known and styled as the county court of Clarke county, Alabama, for the trial of misdemeanors, prescribing the powers and jurisdiction of said court and to provide for the selection of officers thereof, will be introduced and an effort made to have the same enacted into law. To further regulate the trials of misdemeanors in the courts of said county. To provide in said bill, that all misdemeanors on the docket of the circuit court of Clarke county, Alabama, not disposed of at the spring term, 1907, of said circuit court, shall be transferred to said county court for trial. To provide for the appointment of a judge and a solicitor of said county court until the November election, 1910, and for the election by the people at that time. and every four years thereafter. To provide that the clerk of the circuit court of Clarke county, Alabama, shall be the clerk of the said county court. To provide for jury terms of said county court, the method of drawing the same, to regulate jury trials in said county court, and the method of obtaining the same. To provide that the fees and compensation of the sheriff, clerk, jurors and witnesses shall be the same in said court as in the circuit court. To provide that the solicitor of the said county court shall attend the grand jury of said circuit court pending the investigation of misdemeanors. To provide that all appeals taken from said county court shall be to the Supreme court of the State.

The State of Alabama, }  
Clarke County. }

Before me, William James Johnson, a notary public in and for said State and county, personally appeared A. B. Tucker, who being by me duly sworn, deposes and says that he is editor and publisher of The Thomasville Echo, a weekly newspaper published in Clarke county, Alabama, that the notice hereto attached has been published in and appeared in five consecutive weekly issues of said Thomasville Echo, to-wit: December 13th, 20th, and 27th, 1906, and January 3rd and 10th, 1907.

A. B. Tucker,

Editor and Publisher of the Thomasville Echo.

Sworn to and subscribed before me this the 16th day of January, 1907.

William James Johnson,  
Notary Public.

By Mr. Gunn :

S. 128. To confer jurisdiction of all misdemeanors on the county court of Clarke county, and to define the jurisdiction of said court, to regulate the practice therein, to provide for a judge, solicitor and clerk of said court and to fix their compensation.

Penitentiary, Prison and Punishment.

S. 129. By Mr. Gunn (with notice and proof) as follows:

#### NOTICE.

Notice is hereby given that a bill will be introduced **at the next session of the Legislature of Alabama** which meets in January, 1907, to amend the law relating to the trial of misdemeanors in Washington county, Alabama, so as to cause all bills found by the grand jury of Washington county, Alabama, against any person for misdemeanor to be referred to the county court of said county, and to give the county court exclusive jurisdiction of all misdemeanors so referred. And to cause the circuit clerk, upon order of the presiding judge of the circuit court of Washington county, Alabama, to enter all cases of defendants charged with misdemeanors on the docket,



to be kept for that purpose in the county court of Washington county, Alabama, immediately after said bills shall have been reported by the grand jury of said county, and all indictments thus referred to be tried according to procedure prescribed in the acts of Legislature of Alabama of 1898-99 at page 1222, for the trials of misdemeanors in the county court of Washington county, Alabama, said law to take effect immediately after its passage. All indictments for misdemeanors now pending in the circuit court of Washington county, Alabama, to be referred to the county court of said county on the first day of the next term of the circuit court of Washington county, Alabama, by order of the presiding judge thereof issued to the clerk of the circuit court, and said cases to stand for trial at the next regular term of the county court of Washington county, Alabama.

The State of Alabama, }  
Washington County. }

Personally appeared before me, James N. Granade, a notary public, in and for said county, in said State, W. A. Moseley, publisher and proprietor of the Washington County News, a newspaper published in the county of Washington, State of Alabama, who being duly sworn states, on oath, that the annexed publication has been regularly made once a week for four (4) consecutive weeks beginning on the 20th day of December, 1906, and ending on the 10th day of January, 1907, in the Washington County News, a newspaper printed and published in the county of Washington and State of Alabama.

(Signed.)

W. A. Moseley,  
Publisher.

Sworn to and subscribed before me this 18th day of January, 1907.

(Signed)

James N. Granade,  
Notary Public, Washington County, Ala.

By Mr. Gunn:

S. 129. To amend an act entitled an act to regulate

and provide for the trial of misdemeanors in Washington county, Alabama, approved February 21st, 1899.

Penitentiary, Prison and Punishment.

By Mr. Gunn :

S. 130. To correct and perfect the records of deeds, leases, contracts and conveyances of any kind and all kinds constituting any lien or incumbrance on any real estate or interest therein, which have been or hereafter may be lost, destroyed or stolen in the State of Alabama, and prescribe the notice thereof.

Judiciary.

By Mr. Jones :

S. 131. To submit to the qualified electors of the State, at the general election to be held on the first Tuesday after the first Monday in November, 1908, for two associate justices of the supreme court, for their consideration an amendment to sections 46 and 48 of article 4 of the constitution so as to provide for biennial sessions of the Legislature.

Constitution and Constitutional Revision and Amendment.

By Mr. Merritt :

S. 132. To provide for the sale of certain narcotic drugs.

Public Health.

By Mr. Barbour :

S. 133. To amend chapter 98 of the Code of Alabama of 1896.

Temperance.

By Mr. Reese :

S. 134. To submit to the qualified electors of the State a proposed amendment to sub-division 18 of section 104 of the constitution of Alabama.

Constitution and Constitutional Revision and Amendment.

By Mr. Reese :

S. 135. To amend section 1446 and 1447 of the Code of 1896.

Public Health.

S. 136. By Mr. Reese (with notice and proof) as follows:

NOTICE.

Notice is hereby given to all concerned that application will be made to the Legislature of Alabama at the session thereof beginning in January, 1907, for the passage of a law, the substance of which will be to amend an act entitled an act to further regulate the affairs of Dallas county."

Approved December 4th, 1899.

The substance of the proposed amendment for the publication of the quarterly statements of status and condition of the financial affairs of said county, in either a daily or weekly paper.

The State of Alabama, }  
County of Dallas. }

Before me, H. F. Reese, a notary public, in and for said State and county, personally appeared H. B. Kinney, known to me to be the publisher and proprietor of the Selma Mirror, a newspaper published at Selma, Dallas county, Alabama, who being by me first duly sworn, doth depose and upon oath say, that he is the proprietor and publisher of the Selma Mirror, that the same is published in said county of Dallas, and that the above printed notice pasted on this page was duly published in said Selma Mirror once a week for four consecutive weeks, prior to this date.

H. B. Kinney.

Sworn and subscribed before me this the 19th day of January, 1907.

H. F. Reese,  
Notary Public, Dallas County, Alabama.

By Mr. Reese:

S. 136. To further regulate the financial affairs of Dallas county.

Local Legislation.

S. 137. By Mr. Reese (with notice and proof) as follows:

NOTICE.

Notice is hereby given that a bill will be introduced in the next Legislature of Alabama providing that no licenses or taxes of any character shall be required by State, county or municipality from the Central Alabama Fair Association, or from those who conduct business under contract with it on its grounds during the time its annual fair is actually in progress.

The State of Alabama,     }  
County of Dallas.         }

Before me, H. F. Reese, a notary public, in and for said State and county, personally appeared H. B. Kinney, known to me to be the publisher and proprietor of the Selma Mirror, a newspaper published at Selma, Dallas county, Alabama, who being by me first duly sworn, doth depose and upon oath say, that he is the proprietor and publisher of the Selma Mirror, that the same is published in said county of Dallas, and that the above printed notice pasted on this page, was duly published in said Selma Mirror once a week for four consecutive weeks, prior to this date.

H. B. Kinney.

Sworn to and subscribed before me this the 19th day of January, 1907.

H. F. Reese,

Notary Public, Dallas County, Alabama.

S. 137. Providing that no license or taxes of any character shall be required by the State, county or municipality from the Central Alabama Fair Association, or from those who conduct business under contract with it on its grounds during the time its annual fair is actually in progress.

Local Legislation.

By Mr. Reese:

S. 138. To regulate the manufacture and sale of "patent" and "proprietary" medicines.

Public Health.

By Mr. Reese:

S. 139. To amend an act entitled an act to regulate decrees and appeals therefrom in divorce cases, approved February 13th, 1903.

Revision of Laws.

By Mr. Horton:

S. 140. To prevent criminal prosecutions for obtaining money, goods, or other things of value by false representations, when such false representations consists in stating that there is no mortgage or encumbrance on personal property, when at the time of making such statement there is a valid mortgage or encumbrance on such property duly filed or recorded in the office of the Judge of Probate of the county in which such property is situated.

Agriculture.

S. 141. By Mr. Hamburger (with notice and proof) as follows:

## EXHIBIT A.

### NOTICE.

Notice is hereby given that application will be made to the Legislature of Alabama at its next regular session, which commences on the second Tuesday in January, 1907, to pass an act substantially providing as follows, that is to say:

Authorizing and empowering the quarantine board of Mobile bay to sell and convey to the United States at such price and on such terms as it may agree upon with the secretary of the treasury of the United States the site acquired by said quarantine board of Mobile bay near Fort Morgan, Ala., and also all the other quarantine property and equipment of said board, including the physician's residence with equipment; the disinfecting barge Chipman, with equipment; the detention

barge Undal, with equipment, and the steam launch Mecca, with equipment, and to make all needful transfers and conveyances therefor to the said United States in execution of such sale, and to receive payment of the price thereof from the authorities of the United States; and further providing for the cession of jurisdiction over the site now owned and heretofore used by said quarantine board of Mobile bay to the United States such cession to take effect after the sale of said site and plant to the United States.

12 7-14-21-28.

The State of Alabama, }  
County of Mobile. }

Before me, Rittenhouse M. Smith, a notary public in and for said State and county, personally appeared Charles H. Allen, Jr., who, being duly sworn, deposes and says that the notice hereto attached, marked "Exhibit A," was duly published in the Daily Herald, a newspaper published in the city of Mobile, Alabama, for the full period of thirty days, by publication once a week for four consecutive weeks, as follows: December 7th, 1906, December 14, 1906, December 21, 1906, and December 28, 1906.

Charles H. Allen, Jr.,  
Advertising Manager Herald.

Subscribed and sworn to before this the 18th day of January, 1907.

Rittenhouse M. Smith.  
Notary Public Mobile County, Alabama.

By Mr. Hamburger:

S. 141. To authorize the sale and transfer by the quarantine board of Mobile bay of its site, plant, property and equipment, and to cede jurisdiction over the said quarantine site to the United States.

Military.

S. 142. By Mr. Hamburger (with notice and proof) as follows:

## NOTICE.

Is hereby given of the intention to apply to the Legislature of the State of Alabama at the next session thereof, which convenes in the city of Montgomery in said State, for the passage of a special or local law which shall substantially provide as follows:

An act for the government of juvenile delinquents in the county of Mobile, Alabama.

Be it enacted by the General Assembly of Alabama:

Section 1. This act shall apply only to children sixteen years of age and under, not inmates of a State institution, or of any institution incorporated under the laws of the State of Alabama for the care and correction of delinquent children.

Section 2. The words "Juvenile Delinquent" shall include any child sixteen years of age, or under, who violates any law of this State or any of the ordinances of the city of Mobile, or of any city or incorporated town in the county of Mobile, Alabama; or who is incorrigible, or who knowingly associates with thieves, vicious or immoral persons; or who is growing up in idleness or crime; or who habitually begs in the public streets or thoroughfares; or who knowingly enters a house of ill-repute; or who knowingly visits or patronizes any policy shop, or place where any gambling device is, or shall be operated; or who patronizes or visits any saloon where any intoxicating liquors are sold, or where pool and billiards are played; or who patronizes or visits any poolroom or bucket-shop; or who wanders about the streets in the night time without being on any lawful business or occupation; or who habitually wanders about any railroad yards or tracks, or jumps or hooks on to any moving train, or electric car, or enters any car, or engine, without lawful authority; or who habitually uses vile, obscene, vulgar, profane or indecent language; or is guilty of immoral conduct in any public place or about any school house. Any child committing any of the acts herein mentioned shall be deemed a juvenile delinquent person, and shall be proceeded against as such in the manner hereafter provided. A disposi-

tion of any child under this act, or any evidence given in such cause, shall not in any civil, criminal, or other cause or proceeding whatever in any court be lawful or proper evidence against said child for any purpose whatever, except in subsequent cases against the same child under this act.

Section 3. The inferior criminal court of Mobile county, Alabama, the probate court of Mobile county, Alabama, and the recorder's court of the city of Mobile, Alabama, shall each have concurrent jurisdiction in all cases coming within the terms and provisions of this act.

When an appeal is taken from the decisions of either of the above-named courts, or a jury trial is demanded, as hereinafter provided for, said appeal shall be taken to and said jury trial had in the city court of Mobile, Alabama, and when an appeal is taken from the judgment of said city court of Mobile, Alabama, the same shall be to the Supreme court of the State of Alabama.

In trials under this act the child informed against, or any person lawfully interested in said child, shall have a right of appeal, or a right to demand a jury trial. In the event of such appeal being taken, or a jury trial being demanded, the judge of the court trying such case shall remand such delinquent child to the charge of the probation officer of such court to await the trial by jury or on appeal, and the clerk of such court shall forthwith deliver to the clerk of the city court of Mobile, Alabama, the record of the proceedings of the trial of such child, together with the names and addresses of the witnesses in the case and the names and addresses of the parents of such child, or those lawfully interested in such delinquent.

The said court shall have jurisdiction to try such cases de nova and to render the same judgments and proceed the same as the three courts above named.

Section 4. The clerks of the courts named in section 3 of this act shall each keep a separate docket, or record of the cases coming within the provisions of this act, to be known as the "Juvenile Record" and between the first and fifteenth days of January in each year they



shall submit to the board of county commissioners of Mobile county, Alabama, a report in writing showing the number and disposition of delinquent children brought before their respective courts, together with such other useful information regarding such cases and the parentage of such children as may be reasonably obtained at the trials thereof.

Section 5. All proceedings under this act shall be by information or sworn complaint of any probation officer provided for by this act, or of the chief of police of the city of Mobile, Alabama, or of the city attorney of the city of Mobile, Alabama, or of the county attorney of the county of Mobile, Alabama. Suitable information blanks shall be provided each of the courts above named by the board of county commissioners of the county of Mobile, as well as such other papers and printed stationery as may be necessary in such cases. In such information or complaint, filed under this act, the act or acts claimed to have been committed by the child proceeded against shall in a general way be stated therein as constituting such child a juvenile delinquent.

Section 6. Upon a filing of an information under this act, a warrant of *capias* may issue as in other cases, but no incarceration of the child proceeded against thereunder shall be made or had, unless in the opinion of the judge of the court trying the case, it shall be necessary to insure the attendance at court of such child at such times as shall be required. In order to avoid such incarceration, if practicable, it shall be the duty of the police officer, or deputy sheriff serving said warrant to serve a notice of the proceedings upon at least one parent of the child, if living and known, or its legal guardian, or if it has no guardian, nor parent living within the county of Mobile, Alabama, or their whereabouts be unknown, then upon the child, of the time and court of its trial. Said officer shall also at once notify the probation officer herein provided for of the service of such warrant, and shall at once surrender the custody and supervision of such child to such officer. In the event of notice being given the parent or guardian of such child as above provided for and such

parent or guardian shall refuse to produce such child upon the trial of such case, or shall be an accomplice to the failure of such child to appear at such trial, the judge of such court shall have power to punish such parent or guardian for contempt of court, within the jurisdiction of such court to punish for contempt.

Section 7. Any such child informed against shall also have the right, as now given by law to any person, to give bond or other security, for its appearance at the trial of such case, and the court may, in any case arising under the provisions of this act, appoint counsel to appear and defend on behalf of such child.

Section 8. The judges of the inferior criminal court, the probate court and the recorder's court above described, shall jointly have authority to appoint two discreet persons of good moral character to serve as a probation officer and an assistant probation officer during the pleasure of said judges jointly. In the event of the death, sickness, or inability of either of said officers to serve for any length of time, said judges shall jointly have the right to appoint a probation officer pro tem to serve until said offices be again filled by the return to duty of the incumbents or the election by said judges of permanent officers. In the event of a disagreement between said judges as to such appointments, a majority vote of the three judges shall prevail in the appointment of such officers. The probation officer shall be paid a salary of one hundred dollars per month and the assistant probation officer shall be paid a salary of sixty dollars per month. Said salaries shall be paid out of the county treasury of Mobile county, Ala., and the treasurer of said county shall draw his warrant monthly in favor of such officers for said salaries.

It shall be the duty of the clerk of each of the above-named courts to notify at once, when information is filed against a child under the provisions of this act, one of said probation officers when said child is to be brought before the court; it shall be the duty of such probation officer to make investigation of such case; to be present in the court to represent the interests of the child when the case is heard; to furnish to the court

such information and assistance as the court or judge may require, and to take charge of any child before and after the trial as may be directed by the court. The probation officers provided for by this act are hereby vested with all power and authority of sheriffs and police officers of the county and city of Mobile, Alabama, to make arrests and perform other duties incident to their office.

Section 9. In any case of a delinquent child coming under the provisions of this act, the court may continue the hearing from time to time, and may commit the child to the care of a probation officer, and may allow said child to remain in its own home, subject to the visitation of the probation officer; such child to report to the court or probation officer as often as may be required, and subject to be returned to the court for further proceedings whenever such action may appear to be necessary; or the court may cause the child to be placed in a suitable family home, subject to the friendly supervision of the probation officer, and the further order of the court; or it may authorize the child, to be boarded out in some suitable family home, in case provision is made by voluntary contribution or otherwise for the payment of the board of such child, until suitable provision be made for the child in a home without such payment, or the court may commit such child, if a boy, to the Alabama Industrial school, for white boys, or, if a girl, to the Alabama Girls' Industrial school, or the court may commit the child to any institution within the county of Mobile, Alabama, incorporated under the laws of this State, that may care for children, and is willing to receive the child, or which may be provided by the State or county suitable for the care of such children, or to any State institution which may hereafter be established for the care of boys and girls, and which will receive such child. In no case shall a child proceeded against under the provisions of this act be committed beyond the age of twenty-one. A child committed to any institution shall be subject to the control of the lawful managers of the same, and such managers shall have power to parole such child upon such conditions as they may prescribe; and the court, upon the recommenda-

tion of such managers, shall have power to discharge such child from custody, whenever in the judgment of such court, his or her reformation is complete; or the court may commit the child to the care and custody of some association that will receive it, embracing in its objects the care of neglected or delinquent children, and which has been duly credited as herein provided.

Section 10. The court, or judge thereof, may at any time require from any institution receiving children under the provisions of this act, or desiring to receive such children, such reports, information and statements as the court, or judge, shall deem proper or necessary for his action, and the court shall in no case commit a child or children to any association or institution, or allow said child to remain therein, whose standing, conduct or care of children, or ability to care for the same, is not satisfactory to the court.

Section 11. Nothing in this act shall be construed to repeal any of the general laws of the State of Alabama relating to industrial schools of the State, or to the care of juvenile delinquents generally throughout the State.

Section 12. This act shall be liberally construed, to the end that its purpose may be carried out, to-wit, that the care and custody and discipline of the child shall approximate as nearly as may be that which should be given by its parents, and that as far as practicable any delinquent child shall be treated, not as a criminal, but as misdirected and misguided, and needing aid, encouragement and assistance.

Section 13. This act shall take effect and be in force from and after its passage. 12-26oaw-4t

The State of Alabama, }  
Mobile County. }

Personally appeared before me, James H. Webb, a notary public in and for the State and county aforesaid, G. A. Waterman, who being by me first duly sworn says, that the notice hereto attached giving notice of the intention to apply to the Legislature of Alabama for

the passage of an act for the government of Juvenile Delinquents in Mobile county, Alabama, was published once a week for four consecutive weeks in the Daily Herald, a newspaper published and printed in Mobile county, Alabama, the first publication having been made on the 26th day of December, 1906, and that he is the city editor of said newspaper and has personal knowledge of the facts herein set out.

G. A. Waterman.

Sworn to and subscribed before me on this the 16th day of January, 1907.

J. H. Webb,  
Notary Public,  
Mobile County, Alabama.

By Mr. Hamburger:

S. 142. For the government of Juvenile Delinquents in the county of Mobile, Alabama.

Military.

By Mr. White:

S. 143. To repeal all laws appropriating money to the district Agricultural Schools of Alabama, except the moneys provided by law for the common schools of the State.

Education.

By Mr. White:

S. 144. To have the guano tag tax to the amount of thirty cents per ton appropriated to the common schools of Alabama and to repeal all laws in conflict with the same.

Judiciary.

By Mr. White:

S. 145. To prohibit the running of freight trains on the Sabbath day and to provide a penalty for its violation.

Commerce and Common Carriers.

S. 146. By Mr. Reese (with notice and proof) as follows:

#### NOTICE.

Notice is hereby given to the public that application

will be made to the next session of the Legislature to repeal an act, entitled an act "to abolish the office of county treasurer of Dallas county, and to require the tax collector and other officers of said county to deposit funds belonging to the county in the City National Bank of Selma and the Selma Savings Bank, to the credit of the county and subject to the order of the court of county revenues, approved February 8, 1877, and to provide for the election of such treasurer at the next general election held in 1908, and every four years thereafter."

The State of Alabama, }  
County of Dallas. }

Before me, P. J. Loughlin, a notary public, in and for said State and county, personally appeared J. C. Adler, who being duly sworn deposes and says, that he is proprietor and editor of the Selma Times, a newspaper published in Selma, in said county, and that the notice of proposed legislation hereto attached was published for four consecutive weeks prior to the date of making this affidavit.

J. C. Adler.

Subscribed and sworn to before me this the 12th day of January, A. D. 1907.

P. J. Loughlin,  
Notary Public, Dallas County, Ala.

By Mr. Reese:

S. 146. To repeal an act entitled an act to abolish the office of county treasurer of Dallas county, and to require the tax collector and other officers of said county to deposit funds belonging to the county in the City National Bank of Selma and the Selma Savings Bank to the credit of the county, and subject to the order of the court of county revenues, approved February 8th, 1877, and to provide for the election of such treasurer.

Revision of Laws.

By Mr. Reese:

S. 147. To regulate and define the liability on surety, guaranty and indemnity bonds in cases of alteration of

deviation from or failure to carry out any of the terms or requirements of such bonds.

Revision of Laws.

By Mr. Reese:

S. 148. To amend section 4590 of the Code of Alabama of 1896.

Revision of Laws.

#### BILLS ON THIRD READING.

The bill,

S. 74. An act to amend sections 1310 and 1313 of the Code of Alabama of 1896.

Was read a third time at length and passed.

Yeas, 30; Nays, 0.

Yeas:

Messrs:—

Barbour	Hamburger	Lusk	Spragins
Blackmon	Hamner	Merritt	Strother
Davis	Hays	Miller	Thomas
Doster	Heacock	Moody	White
Forrester	Hinson	McWhorter	Wilson
Gardner	Horton	Overton	Wimberly.
Glenn	Jones	Reid	
Gunn	Lowe	Reynolds	

—30.

The bill,

S. 23. To provide for the appointment of the court of county commissioners of Talladega county, Alabama, of an official stenographer for said county, to define his duties and provide for his compensation.

Was read a third time at length and passed.

Yeas, 27; Nays, 0.

Yeas:

Messrs:—

Barbour	Hamburger	Lowe	Reid
Blackmon	Hamner	Lusk	Reynolds
Davis	Hays	Merritt	Spragins
Doster	Heacock	Miller	Strother
Forrester	Hinson	Moody	Thomas
Glenn	Horton	McWhorter	Wimberly
Gunn	Jones	Overton	

—27.

The bill,

S. 46. To divide the county of Macon into four commissioners districts and to provide for the election of a commissioner for each district.

Was read a third time at length and passed.

Yeas, 29; Nays, 0.

Yeas:

Messrs:—

Barbour	Hamburger	Lowe	Reid
Blackmon	Hamner	Lusk	Reynolds
Davis	Hays	Merritt	Spragins
Doster	Heacock	Miller	Strother
Forrester	Hinson	Moody	Thomas
Glenn	Horton	McWhorter	White
Gunn	Jones	Overton	Wilson
			Wimberly

—29.

The bill,

S. 47. To fix the time of holding the city court of Montgomery.

Was read a third time at length and passed.

Yeas, 29; Nays, 0.

Yeas:

Messrs:—

Barbour	Hamburger	Lowe	Reynolds
Blackmon	Hamner	Lusk	Spragins
Davis	Hays	Merritt	Strother
Doster	Heacock	Miller	Teasley
Forrester	Hinson	McWhorter	Thomas
Glenn	Horton	Overton	White
Gunn	Jones	Reid	Wilson
			Wimberly

—29.

The bill,

S. 53. To create the office of deputy solicitor for Dallas county, define his duties and fix his compensation.

Was taken up.



The amendment offered by the committee, to-wit:

"Amend section four by striking out the word "eighteen" and insert in lieu thereof the word "seventeen."  
Amend section six by adding after the word "books" and before the word "now" the words, "If on hand in the office of the Secretary of State and hereafter published."

Was adopted.

Yeas, 27; Nays, 0.

Yeas:

Messrs:—

Barbour	Hamburger	Merritt	Spragins
Blackmon	Hamner	Miller	Strother
Doster	Hays	McWhorter	Thomas
Forrester	Heacock	Overton	White
Gardner	Hinson	Reese	Wilson
Glenn	Horton	Reid	Wimberly.
Gunn	Jones	Reynolds	

—27.

The bill as thus amended was read a third time at length and passed.

Yeas, 30; Nays, 0.

Yeas:

Messrs:—

Barbour	Hamburger	Merritt	Spragins
Blackmon	Hamner	Miller	Strother
Davis	Hays	Moody	Thomas
Doster	Heacock	McWhorter	White
Forrester	Hinson	Overton	Wilson
Gardner	Horton	Reese	Wimberly
Glenn	Jones	Reid	
Gunn	Lowe	Reynolds	

—30.

The bill,

S. 54. To alter and fix the boundaries of Selma, a municipal corporation in Dallas county, Alabama.

Was read a third time at length and passed.

Yeas, 31; Nays, 0.

Yeas:

Messrs:—

Barbour	Hamburger	Lusk	Reynolds
Blackmon	Hamner	Merritt	Spragins
Davis	Hays	Miller	Strother
Doster	Heacock	Moody	Thomas
Forrester	Hinson	McWhorter	White
Gardner	Horton	Overton	Wilson
Glenn	Jones	Reese	Wimberly.
Gunn	Lowe	Reid	

—31.

#### ORDER TO PRINT.

The bill,

S. 4. To further define, prevent and punish unlawful use of money, securities, funds, or proper of corporations, incorporated companies or incorporated associations by such corporations, incorporated companies or incorporated associations, servants, agents, officers or members thereof.

Was taken up.

And upon motion of Mr. Reese action on same was postponed and the secretary was directed to have 300 copies of same printed for the use of the Senate.

#### REPORTS OF COMMITTEES.

The following bills were returned to the Senate from committees each having been acted upon by the respective standing committees in session, as, in each case stated below, and were read a second time, to-wit:

Mr. Wimberly, from committee on public health. Favorably (with an amendment.)

S. 89. To fix the fees and compensation of the physicians and surgeons when summoned as witnesses to testify professionally in the trial of civil and criminal

Mr. Gardner from the committee on rules reported the following resolution:

S. R. 23. Resolved, That there is hereby created the

position of reading clerk for the Senate at a salary of six dollars per day; that such reading clerk of the Senate shall be appointed by the Secretary of the Senate, by and with the advice and consent of the president of the Senate.

Which, upon a suspension of the rules, was unanimously adopted.

#### S. J. RESOLUTION 24.

Mr. Spragins offered the following joint resolution:

S. J. R. 24. Resolved by the Senate, the House concurring, that a committee of one from the Senate and two from the House be appointed to receive Governor Heywood, on the 20th, inst., that said committee shall consist, on the part of the Senate, of its president, and on the part of the House, of its speaker, and one other to be appointed by the speaker.

Which, under a suspension of the rules, was adopted.

#### RECONSIDERATION OF BILLS.

Mr. Blackmon withdrew his notice relative to a reconsideration of the vote by which the Senate passed Senate bill No. 3 on the 18th, instant.

#### ADJOURNMENT.

On motion of Mr. Spragins at 1:30 o'clock, P. M., the Senate adjourned until 10:30 o'clock tomorrow morning.

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#### NINTH DAY.

Tuesday, January 22, 1907.

The Senate met pursuant to adjournment.  
Prayer by Rev. Dr. Cox of the city.

## ROLL CALL.

Present :

Messrs :—

President

Barbour	Hamburger	Lowe	Spragins
Bayles	Hamner	Lusk	Strother
Blackmon	Hays	Merritt	Teasley
Davis	Heacock	Miller	Thomas
Doster	Hinson	Moody	White
Forrester	Horton	McWhorter	Wilson
Gardner	Jones	Overton	Wimberly
Glenn	King	Reid	
Gunn	Leith	Reynolds	

—34.

## JOURNAL.

On motion of Mr. Overton the reading of the Journal of yesterday was dispensed with and the same was approved.

## PRIVILEGES OF THE FLOOR.

The privileges of the floor were extended to Messrs. W. O. Mulkey and W. S. Peak for today.

## INTRODUCTION OF BILLS.

On the call of the districts, bills were introduced, read and referred to appropriate standing committees, as follows :

By Mr. Hamner :

S. 149. To further regulate the writing of insurance against fire and other destructive agencies in this State.  
Banking and Insurance.

By Mr. Blackmon :

S. 150. To regulate the running of automobiles on the public highways in the State of Alabama, and to fix the liability of any owner or person running or ope-

rating an automobile over or along the public highways in this State for any injury done to persons or property, and to provide a penalty for the violation of the provisions of this act.

Commerce and Common Carriers.

By Mr. Reynolds:

S. 151. To provide for the disposition of certain fees and costs which have been or may be received by certain officers of this State.

Revision of Laws.

By Mr. Reynolds:

S. 152. To have codified and published the local acts or laws relating to the several counties of this State.

Revision of Laws.

By Mr. Davis:

S. 153. To amend section 1009 of the Code of (1896) Alabama.

Revision of Laws.

By Mr. Thomas:

S. 154. To define and regulate public warehouses for the storage of cotton for compensation, and to provide a punishment for the violation of the provisions of this act.

Agricultural.

By Mr. Gardner:

S. 155. To amend an act entitled an act to amend section 3602 of the Code of Alabama, approved September 9th, 1903.

Education.

By Mr. Forrester:

S. 156. To amend section 1009 of the Code of Alabama, 1896.

Revision of Laws.

By Mr. Lowe:

S. 157. To provide for the payment out of the State treasury of salaries of judges of law and equity courts, city courts and other courts of general common law, equity and criminal jurisdiction, or either now existing or that may hereafter be established by law, by whatsoever name called, exercising jurisdiction over a single

county having a population of not less than twenty thousand, and taxable property of not less than three million five hundred thousand dollars.

## Revision of Laws.

### REPORTS OF COMMITTEES.

The following bills were returned to the Senate from committees, each having been acted upon by the respective standing committees in session as, in each case, stated below, and were read a second time, to-wit:

Mr. Strother, from Municipalities and Municipal Organizations favorably (with amendment.)

S. 98. To amend an act entitled an act to amend section 2937 of the Code of Alabama, approved February 11th, 1901.

Mr. McWhorter, from Temperance, favorably (with amendment.)

S. 36. To authorize the city of Eufaula to establish, maintain, regulate and operate a dispensary in the said city of Eufaula, Barbour county, Alabama, for the purchase and sale of spirituous, vinous and malt liquors, and wines, ciders and other intoxicating liquors, and to establish and perpetuate a board of commissioners for the management of said dispensary, and to prohibit the sale, except by said dispensary, of such liquors in said city of Eufaula, and to provide punishment for any violation of the provisions of this act.

Also favorably:

S. 37. To prohibit the sale of spirituous, vinous or malt liquors, wines, ciders, or other intoxicating liquors in precinct number five, Barbour county, Alabama, except in a dispensary in the corporate limits of the city of Eufaula, and to provide punishment for the violation of this act.

### SENATE JOINT RESOLUTION NO. 25.

S. J. R. 25. Mr. McWhorter offered the following Senate joint resolution:

## SENATE JOINT RESOLUTION NO. 25.

Whereas, General Stephen D. Lee, the last one of the remaining lieutenant generals of the Confederacy, and a member of the Vicksburg National Park Commission, is now in the city:

Therefore, Be it resolved by the Senate of Alabama, the House of Representatives concurring, that as a token of the reverence and respect in which he is held by this body, General Lee be invited to address the Legislature of Alabama in the hall of the House of Representatives at such hour as may be convenient to him.

Resolved further, That a committee of two on the part of the Senate and five on the part of the house be appointed to wait on General Lee and receive his answer to this invitation.

Which, under a suspension of the rules, was unanimously adopted and the President appointed as a committee on part of the Senate Messrs. McWhorter and Jones.

## RESOLUTION NO. 26.

Mr. Gardner, from the Rules committee, offered the following resolution:

S. R. 26. Resolved, That whenever any committee has under consideration any bill, originating in the Senate, the chairman or clerk of said committee shall notify the senator introducing the bill, that he may appear before the committee, if he so desires.

Which, under a suspension of the rules, was adopted.

## MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in the Senate joint resolution relative to a committee to receive Governor Heywood of South Carolina, when he addresses the Legislature on the 29th, inst.

Committee on part of the House—The Speaker and Mr. John:

And has originated and passed the following bill:

H. 24. To make appropriations for the support and maintenance of the public schools of the State.

And has adopted the following joint resolution:

H. J. R. 34. Whereas, General Stephen D. Lee, a member of the Vicksburg National Military Park Commission, and Commander-in-Chief of the United Confederate Veterans, is in the city of Montgomery in the interest of the great work of erecting suitable monuments to commemorate the heroic deeds of Alabama's sons in that memorable seige, therefore,

Be it resolved by the Legislature of Alabama, That General Stephen D. Lee is hereby cordially invited to address the Legislature of Alabama immediately after the joint convention of the two houses is dissolved on Wednesday, January 23, 1907.

Cyrus B. Brown, Clerk.

#### HOUSE MESSAGES.

The House bill in the foregoing House message was severally read once and referred to appropriate committee, as follows:

H. 24. To Finance and Taxation and concurred in H. J. R. 34, relative to invitation to General Stephen D. Lee.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The Speaker of the House having signed the following joint resolutions, your signature thereto is requested:

H. J. R. No. 12. Relates to the election of United States senator for the term beginning March 14th, 1909.

H. J. R. No. 13. Relates to the election of United States senator for the term beginning March 4th, 1907.

H. J. R. No. 20. Relative to the location of the sub-treasury of the United States at Birmingham, Ala.

H. J. R. No. 21. Relative to an examination of the books and accounts of the Tuskegee Normal and Indus-



trial Institute by an expert accountant to be appointed by the governor of Alabama.

Cyrus B. Brown, Clerk.

#### SIGNING OF HOUSE JOINT RESOLUTIONS.

The president of the Senate, in the presence of the Senate, immediately after their titles had been publicly read by the secretary, signed the above House joint resolutions, the titles of which are set out in the foregoing message from the House, the reading at length of which was dispensed with on a two-thirds vote of a quorum of the Senate present.

#### ELECTION OF UNITED STATES SENATORS.

This being the second Tuesday, after the meeting and organization of the Legislature of Alabama for 1907, and pursuant to resolutions heretofore adopted, the hour of twelve M. having arrived, the Senate proceeded openly by a viva voce vote of every member present, in accordance with the United States statutes made and provided, to name one person for senator from Alabama in the congress of the United States of America, to succeed Senator John Tyler Morgan, whose term expires on the fourth day of March, 1907; and to name one person for Senator from Alabama in the congress of the United State of America to succeed Senator Edmund Winston Pettus, whose term expires on March the fourth, 1909.

Mr. Lusk placed in nomination for Senator in Congress for Alabama John Tyler Morgan, of Dallas county, Alabama, to succeed himself, whose term of office expires March the fourth, 1907.

And on a call of the roll of the Senate those who voted for Mr. Morgan are:

Messrs:—

Barbour	Hamburger	Lowe	Spragins
Bayles	Hamner	Lusk	Strother
Blackmon	Hays	Merritt	Thomas
Davis	Heacock	Miller	White
Doster	Hinson	Moody	Wilson
Forrester	Horton	McWhorter	Wimberly
Gardner	Jones	Overton	
Glenn	King	Reid	
Gunn	Leith	Reynolds	

And the president of the Senate announced that John Tyler Morgan had received thirty-three votes, being a majority of the whole number of votes cast in the Senate of Alabama to succeed himself, whose term expires on the 4th day of March, 1907.

Mr. Thomas placed in nomination for Senator in congress for Alabama, Edward Winston Pettus, of Dallas county, Alabama, to succeed himself, whose term of office expires March 4, 1909, and on a call of the roll, those who voted for Mr. Pettus are:

Messrs:—

Barbour	Gunn	King	Overton
Bayles	Hamburger	Leith	Reid
Blackmon	Hamner	Lowe	Reynolds
Davis	Hays	Lusk	Spragins
Doster	Heacock	Merritt	Strother
Forrester	Hinson	Miller	Thomas
Gardner	Horton	Moody	White
Glenn	Jones	McWhorter	Wilson
			Wimberly

—33.

And the president of the Senate announced that Edward Winston Pettus had received thirty-three votes, being a majority of the whole number of votes cast in the Senate of Alabama to succeed himself, whose term of office expires on the 4th day of March, 1909.

#### BILLS ON THIRD READING.

The bill,

S. 2. To prescribe the measure of damages for loss, destruction or injury to or failure to deliver goods by common carriers, and to regulate the collection thereof.

Was taken up.

The following amendment offered by the committee, to-wit:

Amend by inserting after the word "to" where it first appears in line two, section 1, the words "delay in delivering" and add to section 1 after the word injury in the last line the following words, "and in case of delay beyond a reasonable time, the difference in the value of

the goods, when they should have been delivered and their value when delivered with interest, in said goods have declined in value" and add after the word common carrier where it appears in line 12, the words, "so receiving said shipment" and strike out of said line 12 and 13 of section 2 the following words, "at the said place of delivering or at the nearest place thereto" and by striking out the word thirty in line 13 of section 2, and insert in lieu thereof the word "sixty."

Which was adopted.

Yeas, 27; Nays, 6.

Yeas:

Messrs:—

Bayles	Hamner	Merritt	Spragins
Davis	Hays	Miller	Strother
Doster	Hinson	Moody	Thomas
Gardner	Horton	McWhorter	White
Glenn	Leith	Overton	Wilson
Gunn	Lowe	Reid	Wimberly
Hamburger	Lusk	Reynolds	

—27.

Nays:

Messrs:—

Barbour	Forrester	Jones	King
Blackmon	Heacock		

—6.

Mr. Miller then offered the following amendment to said bill, to-wit:

Amend by inserting the word "and" next after the words "proof of shipment" where they first occur in section 4.

Also strike out the word "servant" where it occurs in said bill.

Which was adopted.

Yeas, 30; Nays, 0.

Yeas:

Messrs:

Barbour	Gardner	Hamner	Horton
Davis	Glenn	Hays	Jones
Doster	Gunn	Heacock	King
Forrester	Hamburger	Hinson	Leith

Lowe	McWhorter	Spragins	Wilson
Lusk	Overton	Strother	Wimberly.
Merritt	Reid	Thomas	
Miller	Reynolds	White	—30.

Mr. Harrison then offered the following amendment to said bill, to-wit:

To amend section four by inserting in the first line after the word "that" and before the word "if" the following "if the claim does not exceed twenty-five dollars."

And to amend section four by adding after the word "injury" in line ten the following, "and if the claim exceeds twenty-five dollars, and is less than one hundred dollars, the common carrier shall be liable for two-fold damages, and if the claim exceeds one hundred dollars and less than two hundred and fifty dollars, the common carrier shall be liable for twenty-five per cent in excess of such claim. And if the claim is for more than two hundred and fifty dollars, and less than five hundred dollars, the common carrier shall be liable for ten per cent. in excess of the claim. And if the claim is for more than five hundred dollars, the common carrier shall be liable for 10 per cent. interest per annum, to be calculated from the date of the filing of such claim.

Mr. Lusk moved to table said amendment, and upon this vote Mr. Hinson called for the yeas and nays, and said motion to table was lost.

Yeas, 8; Nays, 23.

Yeas:

Messrs:—

<u>Gardner</u>	<u>Horton</u>	<u>Merritt</u>	<u>Reid</u>
Gunn	Lusk	Miller	Wilson

—8.

Nays:

Messrs:—

Barbour	Hamburger	King	Spragins
Blackmon	Hamner	Leith	Strother
Davis	Hays	Moody	Thomas
Doster	Heacock	McWhorter	White
Forrester	Hinson	Overton	Wimberly
Glenn	Jones	Reynolds	—23.

Mr. Miller then offered the following substitute for the amendment offered by Mr. Hinson, to-wit:

Amend by adding at the end of section 4 the following: "Where the amount of such damage does not exceed twenty-five dollars and two-fold damages with interest, where the amount of such damages exceeds twenty-five dollars and does not exceed one hundred dollars, and where the damages exceeds one hundred dollars and do not exceed two hundred and fifty dollars, one and one-half times the amount of such damages with interest, and where the damages exceed two hundred and fifty dollars and do not exceed five hundred dollars one and one-fourth times the amount of such damages with interest and where the damages exceed five thousand dollars one and fifteen one-hundredths times the amount of such damages with interest."

Which was adopted.

Yeas, 21; Nays, 12.

Yeas:

Messrs:—

Barbour	Gunn	Lowe	Reid
Bayles	Hamburger	Lusk	Reynolds
Davis	Hays	Merritt	Strother
Gardner	Horton	Miller	White
Glenn	Leith	Overton	Wilson
			Wimberly

—21.

Nays:

Messrs:—

Blackmon	Hamner	Jones	McWhorter
Doster	Heacock	King	Spragins
Forrester	Hinson	Moody	Thomas

—12.

Then said amendment was adopted.

Yeas, 30; Nays, 1.

Yeas:

Messrs:—

Barbour	Forrester	Hamburger	Horton
Bayles	Gardner	Hamner	King
Davis	Glenn	Hays	Leith
Doster	Gunn	Hinson	Lowe

Lusk	McWhorter	Spragins	Wilson
Merritt	Overton	Strother	Wimberly
Miller	Reid	Thomas	
Moody	Reynolds	White	—30.

Nays—Mr. Blackmon, 1.

Mr. Thomas then offered the following amendment to said bill, to-wit:

Amend section 4 of the bill by inserting between the last words in the section and the first word of the amendment as adopted the following words, to-wit: "unless such loss, destruction or injury is the result of the act of public enemies or the act of God."

Which was adopted.

Yeas, 33; Nays, 0.

Yeas:

Messrs:—

Barbour	Gunn	King	Overton
Bayles	Hamner	Leith	Reid
Blackmon	Hamburger	Lowe	Reynolds
Davis	Hays	Lusk	Spragins
Doster	Heacock	Merritt	Strother
Forrester	Hinson	Miller	Thomas
Gardner	Horton	Moody	White
Glenn	Jones	McWhorter	Wilson
			Wimberly

—33.

Mr. Blackmon then offered the following amendment to said bill, to-wit:

Section 7. Be it further enacted, That if suits are brought under the provisions of this act, and the party fails to recover the amount for which he filed his sworn claim, then no penalty shall attach.

Which, on motion of Mr. Lusk was tabled.

Mr. Blackmon then offered the following amendment to said bill, to-wit:

Section 7. Be it further enacted that if suits are brought under the provisions of this act and the party fails to recover the amount for which he filed his sworn claim then no penalty shall attach, and he shall not be

entitled to recover any cost against the common carrier in such suit.

Which on motion of Mr. Lusk was tabled.

Mr. Jones then offered the following amendment to said bill, to-wit:

Amend by inserting "sixty" instead of "thirty" as it appears in eighth line of fourth section of printed bill."

Which, on motion of Mr. Lusk, was tabled.

Yeas, 24; Nays, 8.

Yeas:

Messrs:—

Barbour	Heacock	Merritt	Spragins
Forrester	Horton	Miller	Strother
Gardner	King	McWhorter	Thomas
Gunn	Leith	Overton	White
Hamburger	Lowe	Reid	Wilson
Hays	Lusk	Reynolds	Wimberly

—24.

Nays:

Messrs:—

Bayles	Davis	Glenn	Jones
Blackmon	Doster	Hamner	Moody

—8.

Said bill as thus amended, was read a third time at length and passed.

Yeas, 31; Nays, 0.

Yeas:

Messrs:—

Barbour	Hamner	Lowe	Reynolds
Bayles	Hays	Lusk	Spragins
Davis	Heacock	Merritt	Strother
Doster	Hinson	Miller	Thomas
Forrester	Horton	Moody	White
Gardner	Jones	McWhorter	Wilson
Glenn	King	Overton	Wimberly.
Gunn	Leith	Reid	

—31

Nays—Mr. Blackmon, 1.

## CONSIDERATION OF SPECIAL ORDER.

The hour of 12 o'clock M. having arrived, the special order for this hour :

S. 5. To prescribe and regulate passenger rates on all railroads, other than street railroads, carrying passengers between points, within the State of Alabama.

Was taken up.

Mr. Lusk offered the following amendment to said bill, to-wit :

Amend section 1 by making "two cents" read "two and one-half cents."

Mr. Blackmon moved to table the amendment offered by Mr. Lusk, which motion was lost.

And the amendment offered by Mr. Lusk was adopted.

Yeas, 29; Nays, 0.

Yeas:

Messrs:—

Barbour	Hamburger	Lusk	Spragins
Bayles	Hamner	Merritt	Thomas
Davis	Hays	Miller	White
Doster	Heacock	Moody	Wilson
Forrester	Horton	McWhorter	Wimberly.
Gardner	King	Overton	
Glenn	Leith	Reid	
Gunn	Lowe	Reynolds	

—29.

Mr. Merritt then offered the following amendment to said bill, to-wit :

Add after the last word of section 1, "on all trunk lines and their branches; and on all short lines not over fifty miles long, not exceeding four cents per mile per passenger."

Mr. Gunn offered the following substitute for the amendment offered by Mr. Merritt:

"Section 1. Provided, that this act shall apply to all lines over fifty miles and their branches operating in this State, and provided further, that the rate on all lines not over fifty miles long in this State, shall be fixed by the railroad commission.



Mr. Merritt then withdrew his amendment and the substitute therefor offered by Mr. Gunn was adopted.

Yeas, 30; Nays, 0.

Yeas:

Messrs:—

Barbour	Hamburger	Lowe	Reynolds
Bayles	Hamner	Lusk	Spragins
Davis	Heacock	Merritt	Strother
Doster	Hinson	Miller	Thomas
Forrester	Horton	Moody	White
Gardner	Jones	McWhorter	Wilson
Glenn	King	Overton	
Gunn	Leith	Reid	

—30.

The bill as thus amended was read a third time at length and passed.

Yeas, 28; Nays, 0.

Yeas:

Messrs:—

Barbour	Hamburger	Lowe	Reynolds
Blackmon	Hamner	Lusk	Spragins
Doster	Heacock	Merritt	Strother
Forrester	Horton	Miller	Thomas
Gardner	Jones	Moody	White
Glenn	King	McWhorter	Wilson
Gunn	Leith	Overton	Wimberly

—28

#### RECOMMITMENT OF BILLS.

On motion of Mr. Lusk,

S. 7. To define and prohibit the unlawful giving, issuing, using or receiving free passes, rebates, reductions or discounts for transportation by common carriers of passengers, and to punish the unlawful giving, issuing, using or receiving the same.

Was recommitted to the committee on commerce and common carriers for further consideration.

## ADJOURNMENT.

At 1:30 o'clock P. M. the Senate, on motion of Mr. Blackmon, adjourned until 10:30 o'clock tomorrow morning.

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TENTH DAY.

Wednesday, January 23, 1907.

The Senate met pursuant to adjournment.  
Prayer by Rev. Dr. Shelton of the city.

## ROLL CALL.

Present:  
Mr. President and  
Messrs:—

Barbour	Hamburger	Lowe	Spragins
Bayles	Hamner	Lusk	Strother
Blackmon	Hays	Merritt	Teasley
Davis	Heacock	Miller	Thomas
Doster	Hinson	Moody	White
Forrester	Horton	McWhorter	Wilson
Gardner	Jones	Overton	Wimberly.
Glenn	King	Reid	
Gunn	Leith	Reynolds	—34.

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JOURNAL.

On motion of Mr. Miller, the reading of the Journal of yesterday was dispensed with, and the same was approved.

## LEAVE OF ABSENCE.

A leave of absence was granted to Mr. Reese for today.

## PRIVILEGES OF THE FLOOR.

Privileges of the floor were extended to Messrs J. T. Ellison, J. T. Thompson, John W. Abercrombie, P. H. Lewis, J. W. Worthington, Wilson Brown.

## ORDER TO PRINT.

On motion of Mr. Overton, the secretary was directed to have printed for the use of the Senate 300 copies of

S. 160. To authorize the placing by State and county officers, of State funds, in banks or trust companies designated by the governor as State depositaries and to provide for such designation, the security of such funds and the regulation and duties of such depositaries.

## INTRODUCTION OF BILLS.

On the call of the districts, bills were introduced, read and referred to appropriate standing committees, as follows:

S. 158. Mr. Spragins (with notice and proof) as follows:

## NOTICE.

Notice is hereby given, as required by section 106 of the constitution of the State of Alabama, that application will be made to the Legislature of Alabama at its session beginning January 8, 1907, for the passage of substantially the following bill:

## A BILL

To be entitled

## AN ACT.

To establish, maintain, regulate and make efficient a dispensary for Madison county, Alabama, located in the city of Huntsville.

Section 1. Be it enacted by the Legislature of Alabama, The county of Madison is hereby authorized and empowered to conduct and carry on the business of buying and selling spirituous, vinous and malt liquors and for that purpose to establish, operate and maintain a dispensary, under the supervision, direction and control of the court of county commissioners of said county, which dispensary shall be located at some public, convenient and accessible place in the city of Huntsville.

Sec. 2. Within ten days after the passage of this act the governor of the State of Alabama shall appoint a dispenser for said dispensary who shall hold office for four years from and after his appointment and until his successor is elected and qualified. On the first Monday in April 1911, and every four years thereafter, said court of county commissioners shall elect a dispenser for said dispensary. The dispenser shall be a resident of Madison county, over the age of twenty-one years, and esteemed as honest, temperate, law-abiding and competent to perform the duties of dispenser.

Sec. 3. It shall be the duty of the said court of county commissioners, as soon as practicable after the passage of this act, to locate and establish and begin the conduct and operation of said business. Said court of county commissioners are authorized to adopt such rules and regulations for the establishment, maintenance, management and operation of said dispensary, not inconsistent with this act, as they may deem best, and they shall keep a book of minutes of all their proceedings, in which also shall be entered such rules and regulations as they may adopt. They shall keep a strict and accurate account of all receipts and expenditures, of every kind and description, for or on account of said dispensary, in a well bound book, or books provided for that purpose, which book or books shall show the items of such receipts and expenditures, as to dates, amounts, and person to whom and by whom paid, and said books shall be kept in the office of the probate judge of said county and shall be subject at all times to inspection and examination by the citizens of the county. All accounts paid by said court of county commisisoners on account of the estab-

lishment, maintenance or operation of said dispensary shall be itemized, made out against said county and paid as other claims against said county are paid. The receipts and vouchers therefor shall be carefully kept and filed by the probate judge, as public records of the county.

Sec. 4. The liquors, supplies, equipments and fixtures for said dispensary shall be purchased and contracted for by three persons to be known as the dispensary commissioners, one of whom shall be the probate judge of said county. Within ten days after the passage of this act the governor of the State of Alabama shall appoint the other two dispensary commissioners, who shall hold office for four years from and after their appointment and until their successors are elected and qualified. On the first Monday in April, 1911, and every four years thereafter, said court of county commissioners shall elect two dispensary commissioners, who shall hold office until their successors are elected and qualified. The dispensary commissioners shall be resident citizens of Madison county of good moral character, honest, temperate and intelligent. They shall attend in person to the purchase of all supplies, equipments, fixtures and liquors, for said dispensary, which they shall purchase for, and on account of the county and the bills therefor shall be made up against the county and approved in writing by said dispensary commisisoners. The dispensary commissioners shall see to it that all spirituous liquors purchased for said dispensary shall be pure distilled liquor and unadulterated, and to this end they may, from time to time, cause inspection and analysis to be made by experts of the various liquors in stock or intended for sale at said dispensary. No liquors except as hereinafter provided shall be purchased by said dispensary commissioners for replenishing the stock in said dispensary except upon a written order issued by the court of county commissioners, such written orders to be issued whenever the dispenser shall state in writing that the liquors so ordered are needed in the dispensary. Provided however, that said dispensary commissioners shall, in purchasing liquors by the barrel for said dispensary, make such purchases on a certain day or certain days

in each year, advertise for bids therefor, stating the kind, character and quality of liquors desired, of a certain age and proof, and requiring them to be pure, distilled, and shall award the contract therefor to the lowest responsible bidder, requiring from the party getting the contract a bond with good and sufficient sureties, in such sum as the dispensary commissioners shall fix, stipulated that the goods shall come up to standard as called for by the advertisement and be delivered as needed. Said bond shall be made payable to the judge of probate of said county and his successors in office for the use of the county, and shall be filed and kept in his office. Said dispensary commissioners shall each receive an annual salary of fifty dollars, payable at such times as the court of county commissioners shall prescribe. Any vacancy in the office of dispensary commissioner, prior to the first Monday in April, 1911, shall be filled by appointment by the governor; thereafter by said court of county commissioners.

Sec. 5. The dispenser, under the control and supervision of the said court of county commissioners, shall sell liquors at such dispensary, for cash only, at a uniform price or prices to be fixed by the court of county commissioners. He shall have the immediate management and custody of said dispensary, subject to the regulations and supervision of said court of county commissioners. He shall employ such assistants in the business as the court of county commissioners shall by regulation authorize, at such salary as shall be fixed by said county commissioners not exceeding \$75 a month each. Such compensation shall be prescribed prior to the employment of such clerks or assistants and shall not in any way be dependent on the amount of sales at the dispensary. The selections of such clerks or assistants shall be subject to the approval of the commissioners court, and the dispenser shall be responsible for the conduct of such clerks or assistants. Said dispenser shall see that the dispensary is kept supplied at all times with a stock of liquors sufficient in quantity and variety to meet the demand therefor, and he shall from time to time report in writing to the commissioner's court as

to what liquors are needed therein for the purpose of replenishing the stock. Before entering upon the discharge of his duties the dispenser shall take and subscribe an affidavit, which shall be filed in the office of the probate judge of said county, in form as follows: "I \_\_\_\_\_ do solemnly swear that I have never knowingly violated the laws of Alabama relative to the sale or giving away of spirituous, vinous or malt liquors, that I will not knowingly sell or give away, or permit the sale or gift of any spirituous, vinous or malt liquors to any minor or person of unsound mind, or to any person of known intemperate habits; that I will not keep open the dispensary or make or allow any sales of liquors when it is unlawful so to do, that I will not drink, or allow any loitering, drinking or gambling of any kind in or about the dispensary or the premises on which it is located; and that I will faithfully observe and keep the rules and regulations made and enacted for the management and operation of said dispensary. So help me God."

The dispenser shall, also before beginning business execute a bond with two good and sufficient sureties or with some solvent guarantee company as security, to be approved by the probate judge and filed and recorded in his office, in the penalty of ten thousand dollars, payable to the judge of probate of said county and his successors in office, and conditioned for the honest and faithful discharge of his duties as such dispenser, and to cover any default of his clerks or assistants.

For neglect of duty, incompetency, violation of his oath, misfeasance or malfeasance in office, the dispenser may be removed from office by said court of county commissioners. Any vacancy in the office of dispenser, prior to the first Monday in April, 1911, shall be filled by appointment by the governor; thereafter by the said court of county commissioners.

Sec. 6. The dispenser shall be paid a salary of one hundred and twenty-five dollars per month, payable on the first day of each calendar month, and his compensation shall not depend in any way on the amount of sales that may be made at said dispensary.

Sec. 7. The dispenser shall deposit each day with some good and solvent bank in the city of Huntsville, Alabama, the money taken in by said dispensary from the sale of liquors. Said moneys shall be deposited to the credit of "Madison County Dispensary Account," and shall be subject to the check of the probate judge of said county, on order or resolution regularly passed by the commissioners court of said county, and not otherwise.

Sec. 8. No liquor of any kind shall be sold in any quantity less than one half pint, nor shall more than one sale be made to the same person in any one day. No sale shall be made nor shall said dispensary be kept open between the hours of six o'clock p. m. of one day and six o'clock a. m. of the next day. Nor shall any spirituous or vinous or malt liquors be received, kept or sold at said dispensary that are not contained in sealed packages.

Sec. 9. Neither the dispenser nor any clerk or assistant shall himself drink or give away or suffer or permit any other person to drink or give away liquor of any kind or in any quantity at or in the dispensary or on the premises on which the dispensary is located. Nor shall any one loiter, drink or engage in gambling of any kind on or about said premises.

Sec. 10. No gates, doors, windows or other opening shall connect the dispensary with any adjacent house or lot, so as to permit ingress into or egress from said house or lot from or into the dispensary.

Sec. 11. No screens shall be placed or allowed at or near the windows or doors of said dispensary, so as to prevent persons in such dispensary from being seen by persons outside.

Sec. 12. The court of county commissioners shall keep an inventory of the liquors bought and placed in said dispensary for sale and shall take from the dispenser a receipt or receipts therefor, and said dispenser shall keep an accurate account of all sales. He shall make monthly settlements with said court of county commissioners and also make monthly reports in writing on the last working day of each month on such forms



and under such directions, rules and regulations as said commissioners may require, and shall give full and accurate information as to the condition, expenses, profits, losses and status of the business, and he shall make such additional reports as may be required from him from time to time by said court of county commissioners. He shall also keep in said dispensary a book or books in which shall be entered the date and amount of each purchase, with the signature of the purchaser, or if he cannot write his name shall be written by the dispenser or his clerk or assistant. Said book or books shall be subject to inspection or examination by the grand juries of said county, and when properly identified shall be prima facie evidence of its contents in any of the courts of this State.

Sec. 13. It shall not be lawful to sell or purchase any liquors at said dispensary on Sunday, Christmas day, Thanksgiving day, or any day when by the laws of Alabama it is or shall be made unlawful to sell such liquors. Nor shall it be lawful to sell thereat any liquor to any minor, person of unsound mind, or of known intemperate habits or to any intoxicated person, nor for any minor or person of known intemperate habits to purchase any such liquor. Any person violating any of the provisions of this section shall be guilty of a misdemeanor and on conviction shall be fined not less than fifty nor more than five hundred dollars, and may also be imprisoned in the county jail or sentenced to hard labor for the county for not more than six months.

Sec. 14. It shall be unlawful for any person, firm or corporation to keep or maintain any house or place where charges are made for mixing or concocting drinks of spirituous, vinous, or malt liquors, or where charges are made for the use of glasses or other receptacles for drinking such liquors.

Sec. 15. It shall be unlawful to place or leave in any public road, street, alley or other public place any bottle or other receptacle containing any spirituous, vinous or malt liquors.

Sec. 16. It shall be unlawful to send, carry or deliver to any one in said county from any place in the State of

Alabama out of said county, any spirituous, vinous or malt liquors and the jurisdiction for said offense shall lie and be in the said county of Madison.

Sec. 17. It shall be unlawful to sell, barter or exchange any spirituous, vinous or malt liquors in said county of Madison, except as herein provided. Provided, that this act shall not prevent the sale on their own premises of domestic wines in quantities not less than one quart by persons who have manufactured the same from grapes or berries grown on lands owned, leased or rented by them in Madison county, provided they do not establish places to sell the same or engage regularly in the business of selling the same within the limits of said county; and, provided, further, that nothing in this act contained shall be construed so as to prevent the sale or delivery of spirituous, vinous or malt liquors in sealed packages to said county or said dispensary commissioners for sale at said dispensary, and provided further, that the penalties prescribed by and under this act for the sale, barter or exchange of any spirituous, vinous or malt liquors in said county of Madison shall not become or be effective before the dispensary provided for by this act shall be established and put into operation.

Sec. 18. Any person violating any of the provisions of sections 8, 9, 11, 14 or 15 of this act shall be guilty of a misdemeanor, and on conviction shall be fined not less than fifty nor more than five hundred dollars.

Sec. 19. Any person violating any of the provisions of sections 16, or 17 of this act shall be guilty of a misdemeanor and on conviction for the first or second offense shall be fined not less than fifty nor more than **five hundred dollars and may also be imprisoned in the county jail or sentenced to hard labor for the county for not more than six months**, and for the third or subsequent offense shall be fined not less than fifty nor more than five hundred dollars and shall also be imprisoned in the county jail or sentenced to hard labor for the county for not more than six months.

Sec. 20. It shall be unlawful for any person, firm or corporation, directly or indirectly, to offer or give

any person purchasing or contracting for liquors for said dispensary or to any of the county commissioners or to the dispenser any rebate or commission or personal or pecuniary advantage or benefit by reason of or connected with or growing out of the sale or purchase of any liquor or supplies for said dispensary; and it shall be unlawful for any county commissioner, dispenser, or person purchasing or contracting for liquors for said dispensary to receive, directly or indirectly, any such rebate or commission or personal or pecuniary benefit or advantage. Any person violating any of the provisions of this section shall be guilty of a felony and on conviction shall be punished by imprisonment in the penitentiary for not less than one nor more than three years.

Sec. 21. It shall be the duty of the mayor and aldermen of the city of Huntsville and of the policemen of said city to aid and co-operate with the county and State authorities in carrying out and enforcing the provisions of this act and bringing to punishment those guilty of violating its provisions.

Sec. 22. The dispenser is hereby invested with full power and charged with the duty, for the purpose of preserving order in and about said dispensary, of making arrests for violation therein of its regulations or the ordinances of said city or the criminal laws of the State.

Sec. 23. Said court of county commissioners, is further authorized and empowered to employ such clerical assistance as they may deem necessary and proper for the purpose of carrying out the provisions of this act as to keeping of books and records; and also to employ a skilled chemist for the purpose of inspecting, testing and passing upon the liquors to be sold at said dispensary, as to their purity and freedom from adulteration.

Sec. 24. Said court of county commissioners shall annually pay into the treasury of the State as a license tax for said dispensary the sum of five hundred dollars (or such other sum as may be required by law) payable when other State license taxes are payable. Said tax shall be in lieu of all other license taxes, State, county and municipal.

Sec. 25. The proceeds arising from the operation of said dispensary, after the payment of the expenses of conducting the business shall be divided as follows: From the net proceeds there shall first be paid to the county superintendent of education for the support of the public schools of the county the sum of five thousand dollars, yearly, payable in quarterly installments at the end of each quarter after the establishment of said dispensary. The balance of said net proceeds shall at the end of each quarter be equally divided between the county of Madison and the municipal corporation known as the mayor and aldermen of the city of Huntsville. The county's half of said fund shall be paid into the county treasury at the end of each quarter and expended by the commissioner's court for the buildings, repair and maintenance of the public roads of the county

Sec. 26. The judges of the circuit court of said county and of courts having like jurisdiction in said county shall give this act in special charge to the grand juries; and it is the duty of the grand jury, if the evidence justifies it, to find and present indictments for the violation of any of the provisions of this act.

Sec. 27. For administering the provision of this act the court of county commissioners of Madison county shall be deemed to be always open.

Sec. 28. This act shall be effective from and after its passage. All laws and parts of laws in conflict with the provisions of this act are hereby repealed.

The State of Alabama, }  
Madison County. }

Before me, Robert E. Wilson, a notary public in and for said State, this day personally appeared Robert L. O'Neal, who is known to me, and who, being duly sworn, says: that he is publisher of the Weekly Mercury, a newspaper published in Madison county, Alabama; and that the attached notice with reference to a bill to be entitled "an act to establish, maintain, regulate and make efficient a dispensary for Madison county, Alabama, located in the city of Huntsville," was published at least

once a week for four consecutive weeks in said, the Weekly Mercury on the following dates, namely: December 19th, 1906; December 26th, 1906; January 2nd, 1907; January 9th, 1907; and January 16th, 1907.

(Signed)

Robert L. O'Neal.

Subscribed and sworn to before me this 16th day of January, 1907.

(Signed)

R. E. Wilson,

Notary Public for Madison County, Ala.

S. 158. To establish, maintain, regulate and make efficient a dispensary for Madison county, Alabama, located in the city of Huntsville.

Temperance.

By Mr. Hamner:

S. 159. To authorize the secretary of State to employ a stenographer for the office of secretary of State and insurance commissioner, and to fix the compensation therefor.

Finance and Taxation.

By Mr. Overton:

S. 160. To authorize the placing by State and county officers of State funds in banks or trust companies, designated by the governor as State depositories, and to provide for such designation, the security of such funds and the regulation and duties of such depositories.

Banking and Insurance.

By Mr. Leith:

S. 161. To provide for the disbursements of the revenue or proceeds derived from the convicts, and require county convicts to be worked by the State.

Finance and Taxation.

By Mr. Leith:

S. 162. To regulate and fix the working hours of telegraph operators employed by railroad companies or telegraph companies of this State.

Commerce and Common Carriers.

By Mr. Reid:

S. 163. To amend section 1855 of the Code of Alabama of 1896.

Revision of Laws.

By Mr. Merritt:

S. 164. To pension all worthy confederate soldiers and the widows of such as have died.

Finance and Taxation.

By Mr. McWhorter:

S. 165. To establish a State live stock sanitary board and the office of State veterinarian in order to further protect live stock from contagious and infectious diseases and provide for eradicating and excluding such diseases from Alabama.

Public Health.

By Mr. Horton:

S. 166. To make the county superintendents of education in each county in Alabama elective, and to provide when the terms of office shall begin.

Education.

#### REPORTS OF COMMITTEES.

The following bills were returned to the Senate from committees, each having been acted upon by the respective standing committees in session as, in each case, stated below, and were read a second time, to-wit:

Mr. Bayles from the committee on revision of laws, favorably:

S. 80. To amend section 4762 of the Code of Alabama of 1896.

Also:

S. 82. To amend section 5050 of the Code of Alabama.

Also:

S. 94. To amend section 5076 of the Code.

Also:

S. 118. To amend an act entitled an act to better provide for the revenue of the State, amending sub-

division two of section 3907, of the Code, approved March 4th, 1903.

Also:

S. 120. To establish a board of revenue for Winston county, and to define its duties and powers, and for the abolishment of the court of county commissioners of said county.

Mr. Merritt, from Local Legislation, favorably:

S. 29. To establish a dispensary in and for the town of Georgiana, in the county of Butler, State of Alabama, and to provide for the conduct and regulation of the same.

Also:

S. 40. To fix the time and place of holding the circuit court in the twelfth judicial circuit of the State of Alabama.

Also (with amendment):

S. 72. To appropriate all moneys received by the city of Attalla, in this State, as saloon license, to school purposes and to the payment of the interest on the bonded debt of the said city.

Also:

S. 100. To provide for the election of a solicitor for Mobile county.

Also:

S. 101. To provide for the compensation of the solicitor for Mobile county for the prosecution of criminal cases.

Also:

S. 121. To prohibit the sale of spirituous, vinous or malt liquors or other intoxicating beverages within three miles of Sardis Missionary Baptist church, which is located near the town of Mountainboro, in Etowah county, Alabama, except as the three mile limit may overlap or extend into Marshall county, Alabama.

Mr. Horton from Agriculture, favorably:

S. 154. To define and regulate public warehouses for the storage of cotton for compensation, and to provide a punishment for the violation of the provisions of this act.

Mr. Hamburg from Military, favorably:

S. 141. To authorize the sale and transfer by the quarantine board of Mobile bay of its site, plant, property and equipment, and to cede jurisdiction over the said quarantine site to the United States.

#### EXECUTIVE MESSAGE.

Montgomery, Ala., Jan. 23, 1907.

Mr. President:

I am directed by the Governor to communicate to the Senate a message in writing with accompanying documents.

William E. Fort,  
Private Secretary.

#### CHIEF EXECUTIVE DEPARTMENT—ALABAMA.

Montgomery, Jan. 23, 1907.

To the Senate:

I herewith submit for your advice and consent the following appointments as trustees for the Alabama Industrial school for white girls for a term beginning January 12, 1905:

A. H. Alston, third district.

M. A. Graham, fifth district.

S. W. John, ninth district.

For the term beginning January 12, 1907:

Thomas F. Mangum, fourth district.

W. E. W. Yerby, sixth district.

W. W. Haralson, seventh district.

J. C. Kumpe, eighth district.

For the State at large for the term ending January 12, 1909:



H. S. D. Mallory.  
Virgil Bouldin.

B. B. Comer, Governor.

Mr. Lusk made a motion that the nominations for trustees for the Alabama Industrial School for White Girls be confirmed by the Senate, which was carried.

Ayes, 31; Nays, 0.

Ayes:

Messrs:—

Barbour	Hamburger	Lowe	Spragins
Bayles	Hamner	Lusk	Strother
Davis	Hays	Merritt	Teasley
Doster	Heacock	Miller	Thomas
Forrester	Hinson	Moody	White
Gardner	Horton	McWhorter	Wilson
Glenn	Jones	Overton	Wimberly
Gunn	King	Reid	

—31.

# CHIEF EXECUTIVE DEPARTMENT—ALABAMA.

Montgomery, Jan. 23, 1907.

To the Senate:

I herewith submit for your advice and consent the following appointments as trustees for the Alabama Polytechnic Institute for the term beginning January 4, 1905:

On motion of Mr. Lusk at 2:15 P. M. the Senate adjourned until 10:30 o'clock tomorrow morning.

J. S. Frasier, first district.

Reid Barnes, third district.

H. L. Martin, third district.

W. K. Terry, ninth district.

For the term beginning January 4, 1907:

E. A. Bell, fourth district.

E. D. Denson, fifth district.

Wm. F. Feagin, seventh district.

B. B. Comer, Governor.

On motion of Mr. Lusk the foregoing appointments made by the governor, as trustees for the Alabama Poly-

technic Institute were ratified and confirmed.

Yeas, 30; Nays, 0.

Yeas:

Messrs:—

Barbour	Hamner	Lusk	Strother
Bayles	Hays	Merritt	Teasley
Davis	Heacock	Miller	Thomas
Doster	Hinson	Moody	White
Forrester	Horton	McWhorter	Wilson
Gardner	King	Overton	Wimberly.
Gunn	Leith	Reid	
Hamburger	Lowe	Spragins	—30.

Mr. McWhorter, from the committee on Temperance, reported favorably, after having been acted upon by the Temperance committee, in session, Senate joint resolution 9, with amendment.

Memorializing Congress to pass a law making it illegal for any collector of internal revenue to grant license to any dealer, retail or wholesale of intoxicating liquors, in any county, or precinct in this State where the sale or other disposition of said liquors is by the laws of Alabama illegal.

The said amendment being as follows:

Amend by striking out the following words where they appear in the second paragraph beginning with the word "whereas" and ending with the word "and," namely.

"Whereas, it should be the policy of the federal government to assist a sovereign State in the maintenance of her laws, and securing obedience thereto, and."

Which amendment was adopted, and the resolution as amended, was, under a suspension of the rules, adopted.

#### RECONSIDERATION OF VOTE.

Mr. Reynolds made a motion to reconsider the vote by which the Senate on yesterday passed Senate bill No. 2.

S. 2. To prescribe the measure of damages for loss, destruction or injury, to or failure to deliver goods by common carriers, and to regulate the collection.

Which motion was carried.

Ayes, 26; Nays, 7.

Yeas:

Messrs:—

Barbour	Gunn	Jones	Reynolds
Bayles	Hamburger	Lowe	Strother
Blackmon	Hamner	Merritt	Teasley
Davis	Hays	Miller	Thomas
Doster	Heacock	Moody	White
Forrester	Hinson	McWhorter	
Glenn	Horton	Overton	—26.

Nays:

Messrs:—

Gardner	Lusk	Spragins	Wimberly.
Leith	Reid	Wilson	—7.

Mr. Miller moved to reconsider the vote by which the bill was ordered engrossed and read a third time, which motion was carried.

And on motion of Mr. Reynolds, the bill was recommitted to the committee on commerce and common carriers.

#### NOTICE TO CALL FROM ADVERSE CALENDAR.

Mr. Lusk gave the following notice:

S. 66. Notice is hereby given that on the 24th day of January, 1907, after the call of standing committees, I will move that Senate bill No. 66, adversely reported to the Committee on Constitution by the Committee on Constitution and Constitutional Revision and Amendment be read a second time and placed on the calendar.

John A. Lusk.

Dated this Jan. 23, 1907.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has adopted the following joint resolutions:

## CONCURRENT RESOLUTION.

H. J. R. 15. Resolved by the House, the Senate concurring, that we endorse the action of President Roosevelt in dismissing the three companies of the 25th regiment of United States colored troops for their acts of outlawry in Brownsville, Texas, which resulted in the wounding and assassination of defenseless citizens.

Resolved, further, That we believe this action by the president was clearly within his authority as commander in chief of the army and navy of the United States, and the only means he could adopt to free the army from subordination, outlawry and violence, and maintain military discipline.

Resolved further, That we request our senators and representatives in Congress assembled, to sustain the president in such action because he was right, and we believe prompted solely by a high and worthy patriotism.

## HOUSE JOINT RESOLUTION NO. 17.

A point resolution, petitioning Congress for the return to the State of Alabama its proportionate share of the cotton tax unlawfully collected by the federal government.

Whereas, There is in the treasury of the United States, a considerable amount of money, derived from a tax levied and collected by the government of the United States, just after the Confederate war, and which tax was declared to be unconstitutional, and which should be returned to the people who paid the same; and,

Whereas, after the lapse of more than thirty years from the date these taxes were collected, a large amount yet remains in the treasury for which no claim can be sustained, owing to the loss of records of sale of cotton at that period.

Therefore be it resolved by the Legislature of Alabama, That we do hereby petition the Congress of the United States and our senators and representatives in

Congress, to pass a law prorating to every cotton growing State, whatever cotton tax money may be in the treasury of the United States.

Be it further resolved, That a copy of the resolutions be sent to our senators and representatives in Congress.

Cyrus B. Brown, Clerk.

#### HOUSE MESSAGE.

The House Joint Resolutions in the foregoing House message were severally read once and referred to appropriate committees, as follows:

H. J. R. 15. To Committee on Rules.

H. J. R. 17. To Committee on Rules

Mr. Garner gave the following notice:

To the Senate:

S. 41. Notice is hereby given that motion will be made on Thursday, Jan. 24th, 1907, to take from the adverse docket and have placed on calendar and for a second reading of Senate bill No. 41, reported adversely by the Committee on Revision of Laws. Said motion will be made by the undersigned who opposed said bill.

Lucien Gardner.

January 23, 1907.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bills:

H. 29. To amend section 3841 of the Code.

H. 162. To make an appropriation of \$250,000.00 for the improvement of the State capitol building and for the erection or acquisition of additional grounds and building or buildings for the use of the State, and to provide the manner in which said appropriation is to be expended.

And sends the same to the Senate.

Cyrus B. Brown, Clerk.

## HOUSE MESSAGE.

The House bills in the foregoing House message were severally read once and referred to appropriate committees as follows:

H. 29. 162. To Finance and Taxation.

## SENATE JOINT RESOLUTION.

Mr. Heacock offered the following Senate joint resolution, which on a suspension of the rules, was adopted.

S. J. R. 27. Resolved, That a joint committee of five consisting of two from the Senate and three from the House, be appointed to visit the Soldiers Home at Mountain Creek, to investigate the management and conditions of the home, and report to this body, with such recommendations as they may deem necessary for its improvement.

And the president appointed as the committee on part of the Senate Messrs. Merritt and Barbour.

## BILLS ON THIRD READING.

The bill,

S. 4. To further define, prevent and punish unlawful use of money, securities, funds or property of corporations, incorporated companies or incorporated associations by such corporations, incorporated companies or incorporated associations, servants, agents, officers or members thereof.

Mr. Thomas offered the following amendment.

Amend by striking out the following words in section 2 of the bill, to-wit:

"Or imprisoned in the county jail or sentenced to hard labor for not more than six months, one or both."

Which was adopted.

Ayes, 32; Nays, 0.

Yeas :

Messrs :—

Barbour	Gunn	Leith	Reynolds
Bayles	Hamner	Lowe	Spragins
Blackmon	Hays	Lusk	Strother
Davis	Heacock	Merritt	Teasley
Doster	Hinson	Miller	Thomas
Forrester	Horton	McWhorter	White
Gardner	Jones	Overton	Wilson
Glenn	King	Reid	Wimberly.

—32.

Mr. Reid offered the following amendment :

Amend the fourth line of section 2 of the bill as printed by striking out the words "one thousand dollars" and add instead thereof the words "two thousand dollars."

Which was adopted.

Yeas, 28; Nays, 3.

Yeas :

Messrs :—

Barbour	Hamner	Merritt	Teasley
Bayles	Hays	Miller	Thomas
Blackmon	Heacock	McWhorter	White
Davis	Hinson	Overton	Wilson
Forrester	Horton	Reid	Wimberly.
Gardner	Jones	Reynolds	
Gunn	Lusk	Strother	

—28.

Nays—Messrs. Glenn, Leith, Lowe—3.

Mr. Moody offered the following amendment :

Strike out the words, "for publishing or distributing any books, paper, pamphlet, sheet, letter, or document of any kind or character" where the same occurs in line 6 and 7 in the printed copy of the bill.

Mr. Lusk moved to lay the amendment offered by Mr. Moody upon the table, which motion was lost.

Yeas, 8; Nays, 22.

Yeas :

Messrs :—

Bayles	Lusk	McWhorter	Reynolds
Hamner	Merritt	Reid	Wilson

—8.

## Nays:

Messrs:—

Barbour	Gunn	King	Teasley
Blackmon	Hamburger	Leith	Thomas
Davis	Hays	Miller	White
Doster	Heacock	Moody	Wimberly
Forrester	Hinson	Overton	
Glenn	Horton	Strother	—22.

## PAIR VOTE.

Mr. Jones announced that he and Mr. Spragins had paired on the vote; that if Mr. Spragins were present he would vote aye, and that he, Mr. Jones, would vote No, on the proposition.

And the amendment offered by Mr. Moody was then adopted.

Yeas, 22; Nays, 9.

## Yeas:

Messrs:—

Barbour	Gunn	King	Teasley
Blackmon	Hamburger	Leith	Thomas
Davis	Hays	Miller	White
Doster	Heacock	Moody	Wimberly
Forrester	Hinson	Overton	
Glenn	Horton	Strother	—22.

## Nays:

Messrs:—

Bayles	Lowe	Merritt	Reid
Hamner	Lusk	McWhorter	Reynolds
			Wilson
			—9.

Pair of vote. Mr. Jones announced that he and Mr. Spragins had paired on the vote; that if Mr. Spragins were present he would vote No, and that he, Mr. Jones, would vote Aye.

Mr. White offered the following amendment:

Amend by adding the word "person" in line 2, before the word "corporation" where it occurs in line 2 of section 1.



Amend section 2 of said act by adding in line 1 of said section the word "person" before the word "corporation" where it occurs in line 1 of this act.

Which amendment was upon motion of Mr. Lusk laid upon the table.

And the bill, as amended, was read a third time at length and passed.

Yeas, 32; Nays, 0.

Yeas:

Messrs:—

Barbour	Hamburger	Leith	Reid
Bayles	Hamner	Lowe	Reynolds
Blackmon	Hays	Lusk	Spragins
Davis	Heacock	Merritt	Strother
Doster	Hinson	Miller	Teasley
Forrester	Horton	Moody	Thomas
Glenn	Jones	McWhorter	White
Gunn	King	Overton	Wilson

—32.

#### MOTION TO RECONSIDER AND LAY ON THE TABLE.

Mr. Lusk moved to reconsider the vote by which Senate bill No. 4 was passed by the Senate and moved to lay that motion on the table.

Which was carried.

S. 89. To fix the fees and compensation of physicians and surgeons when summoned as witnesses to testify professionally in the trial of civil and criminal cases.

The amendment offered by the committee on public health was adopted.

Yeas, 17; Nays, 11.

Yeas:

Messrs:—

Barbour	Glenn	Leith	Reynolds
Blackmon	Gunn	Miller	Spragins
Davis	Heacock	Moody	Teasley
Forrester	Horton	McWhorter	Wimberly
Hinson	Jones	Reid	

—17.

Nays:  
 Messrs:—  
 Bayles           Hamburger   Lowe           White  
 Doster          Hamner      Overton       Wilson  
 Gardner        Hays

—11.

And the bill as amended was read a third time at length and lost.

Yeas, 11; Nays, 21.

Yeas:  
 Messrs:—  
 Blackmon       Heacock      Leith          Teasley  
 Davis          Hinson      Miller        Thomas  
 Glenn          Horton      Reynolds

—11

Nays:  
 Messrs:—  
 Barbour       Hamburger   Moody          White  
 Bayles        Hamner      McWhorter    Wilson  
 Doster        Hays        Overton       Wimberly  
 Forrester     Jones       Reid  
 Gardner       Lowe        Spragins  
 Gunn          Merritt     Strother

—21.

#### JOINT CONVENTION FOR ELECTION OF UNITED STATES SENATORS.

The hour of 2 o'clock P. M. having arrived, when in pursuance of law, the Senate should convene with the House in joint convention, in the hall of the House of Representatives, for the purpose of ascertaining the result of the balloting on yesterday for senators, to represent the State of Alabama in the Congress of the United States, to succeed Senators John Tyler Morgan, whose term expires on the 4th day of March, 1907, and Edmund Winston Pettus, whose term expires on the 4th day of March, 1909, and in case no election had been made, to proceed to such election, the Senate met with the House in the Hall of the House of Representatives.

The joint convention was called to order by the president of the Senate, who directed the secretary of the

Senate to call the roll of the Senate, whereupon the following senators answered to their names, being a majority of the Senate of Alabama, to-wit:

Messrs:—

Barbour	Gunn	Leith	Reynolds
Bayles	Hamburger	Lowe	Spragins
Blackmon	Hamner	Merritt	Strother
Davis	Hays	Miller	Teasley
Doster	Heacock	Moody	Thomas
Forrester	Horton	McWhorter	White
Gardner	Jones	Overton	Wilson
Glenn	King	Reid	

—31.

The speaker of the House then directed the clerk of the House to call the roll of the House of Representatives, whereupon the following representatives answered to their names, being a majority of the House of Representatives, to-wit:

Messrs:—

Mr. Speaker

Alford

Altman

Arnold

Avery

Ballard (Autauga)

Ballard (Pike)

Baltzell

Barton

Benners

Benson

Benson

Bloch

Brown

Bulger

Burney

Cannon

Carmichael (Clay)

Carmichael (Colbert)

Coleman (Lowndes)

Coleman (Marshall)

Cooper

Cranford

Crum

Doyle (Clark)

Doyle (Marengo)

Dudley

Edwards

Elrod

Foster

Fuller

Glover

Goodwyn

Gunter

Henley

Hoffman

Hughston

Jenkins

John

Johnson

Jones	Pitts (Perry)
Killen	Powell (Bullock)
King	Powell (Covington)
Kirby	Power
Kornegay	Pratt
Lacy (Dallas)	Pugh
Lacy (Walker)	Rattray
Lancaster	Rice
Lawson	Rowe
Lee (Barbour)	Rushton
Lee (Houston)	Sample
Lindsey	Sanders
Long (Butler)	Sanford
Long (Morgan)	Sherrod
Lovelady	Smith (Elmore)
Lyons	Smith (Etowah)
Malone	Smith (Franklin)
Maner	Steagall
Middleton	Thompson
Mitchell	Tunstall
Moore	Turner
McCrory	Urquhart
McDuffie	Vann
McMillan	Weaver
Norville	White (Lamar)
Oliver	White (Perry)
Parker	Williams
Pearson	Woolf
Pecte	
Pitts (Dallas)	

—97.

The secretary of the Senate then proceeded to read the journal of the Senate of yesterday, from which it appeared that John Tyler Morgan, of Dallas county, received 33 votes for senator to represent the State of Alabama, in the Congress of the United States for the term beginning March 4th, 1907.

The clerk of the House of Representatives then read the journal of the House of Representatives of yesterday, from which it appeared that John Tyler Morgan, of Dallas county, Alabama, received 97 votes for senator, to

represent the State of Alabama, in the Congress of the United States, for the term beginning March 4th, 1907.

The president of the Senate then announced that John Tyler Morgan having received a majority of all the votes cast in each house of the Legislature of Alabama, on yesterday for senator to represent the State of Alabama in the Congress of the United States to succeed himself, whose term expires on the 4th day of March, 1907. He declared him to be duly and constitutionally elected a senator from the State of Alabama for the term prescribed by law.

The secretary of the Senate then proceeded to read the journal of the Senate of yesterday from which it appeared that Edmund Winston Pettus, of Dallas county, received 33 votes, for senator to represent the State of Alabama in the Congress of the United States, for the term beginning March 4th, 1909.

The clerk of the House of Representatives then read the journal of the House of Representatives of yesterday from which it appeared that Edmund Winston Pettus, of Dallas county, received 97 votes for senator to represent the State of Alabama in the Congress of the United States for the term beginning March 4th, 1909.

The president of the Senate then announced that Edmund Winston Pettus having received a majority of all the votes cast in each house of the Legislature of Alabama on yesterday for senator to represent the State of Alabama in the Congress of the United States to succeed himself whose term expires on the 4th day of March, 1909, he declared him to be duly and constitutionally elected a senator from the State of Alabama for the term prescribed by law.

The president of the Senate then declared that the purpose of the joint convention of the two houses having been accomplished, the joint convention was dissolved.

The Senate then returned to its chamber and resumed the consideration of the regular order of business.

#### ADJOURNMENT.

On motion of Mr. Lusk at 2:15 p. m., the Senate adjourned until 10:30 o'clock tomorrow morning.

## ELEVENTH DAY.

Thursday, January 24th, 1907.

The Senate met pursuant to adjournment.  
Prayer by Rev. Dr. Stakely, of the city.

## ROLL CALL.

Present:

Mr. President,

And Messrs:

Barbour	Hamburger	Lowe	Reynolds
Bayles	Hamner	Lusk	Spragins
Blackmon	Hayes	Merritt	Strother
Davis	Heacock	Miller	Teasley
Doster	Hinson	Moody	Thomas
Forrester	Horton	McWhorter	White
Gardner	Jones	Overton	Wilson
Glenn	King	Reese	Wimberly
Gunn	Leith	Reid	

—35.

## JOURNAL.

On motion of Mr. Barbour, the reading of the journal of yesterday was dispensed with and the same was approved.

## PRIVILEGES OF THE FLOOR.

The privileges of the floor were extended to Messrs. V. B. Atkins, J. H. Lumpkin, Dr. J. F. Searcy, Dr. John W. Abercrombie, Col. L. W. Grant, C. S. McDowell, Jr., John Gunnels, Cecil Brown, for today.

## INTRODUCTION OF BILLS.

On the call of the districts, bills were introduced, read and referred to appropriate standing committees, as follows:

By M. Gunn:

S. 167. To regulate the delivery of messages sent or received to be sent, by any person, firm or corporation owning and operating a telephone or telegraph line in the State of Alabama, to any person, firm or corporation having a place of business, in any city, town or village where it may have an office and to fix the damage for failure to make such delivery within a reasonable time.

Commerce and Common Carriers.

By Mr. Reynolds:

S. 168. To prescribe the duties of telegraph companies with reference to messages or telegrams delivered to such companies for transmission and to provide penalty for failure to perform such duty and the recovery of the same. To further define the duties of telegraph companies as to receiving, transmitting and delivering telegrams or messages delivered to such companies for transmission and to provide penalties for breaches of said duties and the recovery of the same.

Commerce and Common Carriers.

By Mr. Thomas:

S. 169. To amend section 4417 of the Code of Alabama.

Revision of Laws.

By Mr. Thomas:

S. 170. To amend section 4318 of the Code of Alabama.

Revision of Laws.

By Mr. Thomas:

S. 171. To define and punish the offense of cheating and swindling.

Revision of Laws.

By Mr. Glenn:

S. 172. To provide for the erection of a monument to Alabama's Confederate dead who are buried in Stone-wall cemetery at Westchester, Virginia.

Finance and Taxation.

By Mr. White:

S. 173. To require probate judges to enter partial payments and satisfaction of mortgages, deeds of trust

and other instruments, on the margin of the record when requested so to do by the mortgagee or transferee of any mortgage on record.

Revision of Laws.

By Mr. Reese :

S. 174. To further regulate the purchase of fertilizers and cotton seed meal and to provide punishment for the violation of the provisions of this act.

Revision of Laws.

By Mr. Reese :

S. 175. To further regulate and prohibit the dealing in future contracts in the State of Alabama.

Judiciary.

By Mr. Teasley :

S. 176. (With notice and proof as follows) :

REVENUE BILL.

Notice is hereby given that a bill will be introduced in the next legislature of Alabama to divide Montgomery county into three revenue districts, make the members of the board of revenue elective by districts, fix their term of office, prescribe their qualifications, to provide for the appointment of members of said board until the next general election, to prescribe the method of filling vacancies, provide a clerk for said board, fix his salary, and prescribe his duties :

Charles B. Teasley.

The State of Alabama, }  
Montgomery County. }

Before me, Susan M. Elmore, a notary public in aforesaid county and State, personally appeared F. H. Miller, general manager of the Montgomery Journal, a newspaper published in the State and county of Montgomery, Alabama, and being duly sworn says that a notice, of which the attached is a true copy, was published in said newspaper, once a week for four weeks and being in the issue of said newspaper on the following dates, name-



ly, December 26th, 1906, and January 2nd, 9th, and 16th, 1907.

(Signed) F. H. Miller,  
General Manager.

Sworn to and subscribed before me this the 23d day of January, 1907.

Susan M. Elmore,  
Notary Public.

S. 176. To divide Montgomery county into three revenue districts, make the members of the board of revenue elective by districts, fix their term of office, prescribe their qualifications, to provide for the appointment of members of said board until the next general election; to prescribe the method of filling vacancies; provide a clerk for said board, fix his salary and prescribe his duties.

Local Legislation.

By Mr. Teasley:

S. 177. To appropriate out of any money in the treasury not otherwise appropriated, the sum of fifty thousand dollars, annually, for the purpose of aiding in the promotion of the improvement and development of the agricultural live stock, and kindred interests, by the establishment and maintenance of a State Fair.

Finance and Taxation.

#### REPORTS OF COMMITTEES.

The following bills were returned to the Senate from committees, each having been acted upon by the respective standing committees in session as, in each case, stated below, and were read a second time, to-wit:

Mr. Bayles, from Revision of Laws, favorably:

S. 26. To amend section 42 of the Code of Alabama. Also (with amendment):

S. 34. To amend section 4278 of the Code of Alabama. Also (with amendment):

S. 79. To amend section 4730 of the Code of 1896, as amended October 1st, 1903.

Also (with amendment):

S. 95. To amend section 4655 of the Code.

Also:

S. 112. To amend section 962 of the Code of Alabama.

Also:

S. 124. To amend section 1, of an act entitled an act to amend section 4538 of the Code of Alabama (1896) approved February 23rd, 1899.

Also:

S. 126. To amend section 4319 of the Code of Alabama of 1896.

Also:

S. 157. To provide for the payment out of the State treasury of salaries of judges of law and equity courts, city court and other courts of general common law, equity and criminal jurisdiction, or either now existing or that may hereafter be established by law, by whatsoever name called, exercising jurisdiction over a single county having a population of not less than twenty thousand and taxable property of not less than three million five hundred thousand dollars.

Mr. Gunn, from Penitentiary, Prisons and Punishments, favorably:

S. 129. To amend an act entitled "an act to regulate and provide for the trial of misdemeanors in Washington county, Alabama, approved February 21st, 1899."

Also:

S. 108. To provide for paying persons who are convicted of felonies where they appeal to the supreme court when the cause is reversed and remanded or rendered.

Also (with amendment):

S. 128. To confer jurisdiction of all misdemeanors on the county court of Clarke county, and to define the jurisdictions of said court, to regulate the practice therein, to provide for a judge, solicitor and clerk of said court and to fix their compensation.

Mr. Overton, from Commerce and Common Carriers, favorably (with substitute):

S. 2. To prescribe the measure of damages for loss, destruction or injury to or failure to deliver goods by common carriers and to regulate the collection thereof.

Also (with substitute):

S. 7. To define and prohibit the unlawful giving, issuing, using or receiving free passes, rebates, reductions, or discounts for transportation by common carriers of passengers, and to punish the unlawful giving, issuing, using or receiving the same.

Also :

S. 15. To make the present railroad rates of freight and fare for the transportation, originating and terminating within this State, of freight and passengers the maximum rates.

Also (with amendment) :

S. 16. To fix and establish the maximum rates to be charged by railroads now operating or which may hereafter operate, as common carriers in whole or in part in the State of Alabama, for the transportation, originating and terminating within the State, of certain articles, and for this purpose to classify said articles and said railroads.

Also (with amendment) :

S. 18. To prevent any officer, agent or employee of any person, company or corporation owning or operating as a common carrier any railroad in whole or in part in this State, from charging or receiving for the transportation, originating and terminating within the State, of any article a greater or higher rate of compensation than that established by statute where a rate for the transportation of such article has been established by statute, or from refusing to receive such article for transportation at the rate established by statute.

Also (with amendment) :

S. 106. To require and authorize the railroad commission to prescribe rules, regulations and requirements for the issuance and use of interchangeable mileage tickets and coupon tickets on and over lines of transportation of common carriers of passengers in this State, and punish any violation of such orders, rules, regulations and requirements.

Mr. Hamburger, from Military, favorably :

S. 142. For the government of juvenile delinquents in the county of Mobile, Alabama :

Mr. McWhorter, from Temperance, favorably:

S. 158. To establish, maintain; regulate and make efficient a dispensary for Madison county, Alabama, located in the city of Huntsville.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bill:

H. 156. To provide for the payment of the outstanding indebtedness of the late municipal corporation, known as the mayor and aldermen and common council of the city of Mobile, evidenced by bonds of said corporation, bearing date Jan. 1st, 1881; to authorize the city of Mobile to issue bonds for that purpose; to create a lien upon the wharf property, and water front rights and privileges of the city of Mobile to secure the payment of said bonds at maturity, and to regulate the application of the net revenue derived therefrom to aid the payment of interest on bonds issued under this act; to authorize the city of Mobile to levy a special tax to fully pay the interest on said bonds, and to provide for the winding up of the trust created by the act of February 24th, 1881.

And sends the same to the Senate with notice and proof attached and herewith exhibited as follows:

The State of Alabama, }  
Mobile County. }

Personally appeared before me, James A. Shelton, clerk of the city court of Mobile, the undersigned Jno. Martin, who on oath deposes and says that he is the managing proprietor of the "Unionist;" that The Unionist is a newspaper published in the city and county of Mobile, and that the subjoined notice of the intention to apply to the Legislature for the passage of a local or special law was published in said newspaper once a week for four successive weeks, as required by section 106 of the constitution of the State of Alabama.

## NOTICE.

The State of Alabama, }  
 Mobile County. }

Notice is hereby given of the intention to apply to the Legislature of the State of Alabama, at the next session thereof, for the passage of a special, or local law to provide for the payment of the outstanding indebtedness of the late municipal corporation known as the mayor, aldermen and common council of the city of Mobile, evidenced by the bonds of said corporation bearing date January 1st, 1881; to authorize the city of Mobile to issue bonds for that purpose; to create a lien upon the wharf property and rights of the city of Mobile to secure the payment of said bonds at maturity and regulate the collection and application of the net income derived therefrom to aid the payment of the interest on said bonds; and to authorize the city of Mobile to levy a special tax upon subjects of taxation within said city to fully pay the interest on said bonds and regulate the collection and application of such tax; and to provide for the winding up of the trust created, and disposition of all property and assets held under the act of February 24th, 1881.

The substance of the proposed law is as follows:

Section one, as proposed, will provide in substance for the issuance of not exceeding \$2,000,000.00 of bonds to be styled "refunding bonds," but limits the issue to only an amount sufficient to pay the amount of bonds outstanding January 1st, 1907, which were issued under the act of 1881. The bonds are to be signed by the mayor, payable in gold coin Jan. 1, 1973, to be dated Jan. 1, 1907, and to bear interest at the rate of 4 per cent per annum. Each bond shall be for \$1,000, and exempt from taxation. The bonds shall have interest coupons attached, payable in the city of New York.

Section two, as proposed, will provide in substance that upon the approval of the act the mayor of Mobile will advertise for bids for the whole or any part of the issue of bonds, and that the bids must be opened by the

mayor in the presence of the general council at a special meeting called for the purpose. That bids must be accompanied by a certified check for five percent of the bid, and the council shall award the bonds to the highest bidder, providing that if no satisfactory bid is received the council may order the mayor to again advertise for bids. When bids are accepted the purchaser must deposit the price in a depository to be designated by the council.

Section three, of the proposed law will in substance provide for the signing and delivery of the bonds to the purchaser. For the selection of a depository by the council to receive the purchase price and deposit of same to the credit of "Refunding Municipal Account," and the application of said deposit as well as all other moneys deposited to said account under the act of 1881.

Said section will also in substance provide that the mayor shall ask that the holders of the bonds issued under the act of 1881, present the same for payment. On such advertisement being made, all officers under the act of 1881 are required to deliver to the city of Mobile all moneys, property and assets in their possession, and all moneys so delivered must be deposited to the credit of refunding bond principal account.

Section four of the proposed law will in substance provide for the conduct of the deposit known as refunding bond principal account, and a semi-annual report of the status of said account until July 1st, 1908, when the mayor and adjourned council may by ordinance withdraw any balance remaining on hand, and the application thereof.

Section five of the proposed law will in substance provide for the creation of a lien upon the wharf property and rights the city of Mobile may hold or possess to secure the payment of the principal of said bonds at maturity, and the application of the net revenue or income derived from the same to aid in the payment of the interest of the bonds to be issued. Said section as proposed will provide that until default is made in the payment of the interest or principal of the bond, such wharf •

property and rights of the city of Mobile will be managed and controlled by the authorities charged by law with the supervision, management or control of city wharves.

Section six of the proposed law will in substance provide that the book of assessments for general city taxes shall carry a special column for the special tax, and that the same must be collected on the same bill and at the same time as city taxes, and that all advertisements as to city taxes must also include notice as to the special tax.

Section seven, as proposed, will in substance, provide that after the said book of assessments has been corrected as provided by law, the mayor and general council will each year levy a special tax upon the subjects of taxation within the corporate limits of the city of Mobile as the same exists at the time said bonds are issued, and further that the same must be levied at the same time as the city tax, and all rights, provisions, penalties prescribed by law in the matter of assessment, election or enforcing the payment of delinquent city taxes shall apply with same force to the special tax.

Section eight, as proposed, will in substance, provide for the collection of the special tax by the city tax collector, requiring him to file a statement, under oath, each year with the mayor showing the total amount of taxes levied, the amount collected and the reasons for failure to collect same, if such failure exists. The tax collector will be required to give bond in a surety company for the faithful discharge of the duties prescribed under the proposed law.

Section nine, as proposed, will in substance, require the city tax collector to keep all moneys collected for account of the special tax entirely separate from all other funds, depositing the same each day to the credit of "Refunding Interest Account," at the same time filing with the city clerk a statement of such collections. Further, that the failure to comply with any provisions contained in the act shall be cause for impeachment.

Section ten, as proposed, will in substance provide for

the selection of a depository every three years by the council to receive the moneys required by law and credit the same to "Refunding Interest Account," and further that before selecting same the council must ask each bank in the city to bid for said deposit, and if no bids are received two-thirds of the council may select such depository.

Section eleven, as proposed, will in substance, provide for the manner in which the depository must conduct its duties in respect to the refunding interest account, and that none of the moneys deposited with it to the credit of said account, from any source, whatsoever, shall be used except for the payment of interest coupons attached to the bonds to be authorized, which coupons must be thereafter filed with the city clerk, together with a sworn statement of the balance on hand.

Section twelve, as proposed, will in substance, provide for the appointment of an examiner by the mayor, twice each year, to investigate the conduct of the various officers, depositories, etc.

Section thirteen, as proposed, will in substance, provide for the winding up of the trust created by the act of 1881, upon the mayor advertising that the bonds issued thereunder will be paid on presentation, and further require all officers under the act of 1881, to forthwith turn over to the city all property, assets, books, etc., and authorizing the city to proceed with the collection of the tax levy for 1907. Further, that the city is subrogated and substituted to all of the rights of the bondholders under the act of 1881, in respect to enforcing delinquent taxes, etc., providing that the general council may, by ordinance compromise claims if deemed to the best interest of the city.

Section fourteen, as proposed, will in substance, provide that upon no account whatever will any charge for expense be made against either the refunding bond principal account, or the refunding interest account.

Section fifteen, as proposed, will provide that all conflicting laws be repealed.

(Signed) John Martin.



Sworn to and subscribed before me, this the 8th day of January, 1907.

(Signed) James A. Shelton,  
Clerk of the City Court of Mobile.

Cyrus B. Brown, Clerk.

And has originated and passed the following bill:

H. 9. To amend an act entitled an act to amend section 2937 of the code of Alabama, approved February 11, 1901.

And sends the same to the Senate.

Cyrus B. Brown, Clerk.

#### HOUSE MESSAGE.

The House bills in the foregoing House message were severally read once and referred to appropriate committees, as follows:

H. 156. To military.

H. 9. To revision of laws.

#### MOTION TO TAKE FROM ADVERSE CALENDAR.

S. 66. Pursuant to notice given on yesterday, Mr. Lusk made a motion to take from the adverse valender, and placed on second reading S. B. 66, which motion was lost. Ayes, 13; nays, 18.

Ayes:

Messrs:—

Barbour	Leith	Moody	Reynolds
Hamner	Lusk	McWhorter	Wilson
Hayes	Miller	Reese	Wimberly
Jones			

—13.

Nays:

Messrs:—

Blackmon	Glenn	Merritt	Strother
Davis	Gunn	Overton	Teasley
Doster	Hamburger	Reid	Thomas
Forrester	Heacock	Spragins	White
Gardner	Horton		

—18.

## NOTICE OF MOTION TO TAKE FROM ADVERSE CALENDAR.

S. 131. Mr. Jones submitted the following notice and asked that same be placed on the journal. Notice is hereby given that a motion will be made on tomorrow to take Senate bill No. 131, from the adverse calendar, which bill was adverse by the committee on constitution and constitutional revision and amendments, and will move a second reading of said bill.

W. C. Jones.

## SPECIAL ORDER.

On motion of Mr. Lusk, Senate bill,

S. 7. To define and prohibit the unlawful giving, issuing or receiving free passes, rebates, reductions or discounts for transportation by common carriers of passengers, and to punish the unlawful giving, issuing, using or receiving the same.

Was made a continuing paramount special order, for tomorrow at twelve o'clock.

## SENATE JOINT RESOLUTION.

Mr. Reynolds offered the following Senate joint resolution:

Be it resolved, by the Senate, the House concurring, that when the Legislature adjourns on Friday next, January 25th, it shall reassemble on Monday, January 28th, at 12 o'clock noon; and that the committees of the Senate and House are authorized to sit during the recess.

Which was adopted.

## MOTION TO TAKE FROM ADVERSE CALENDAR.

S. 41. Pursuant to a notice given on yesterday, Mr. Gardner made a motion to take from the adverse calendar Senate bill No. 41, and place it upon a second reading, pending the consideration of which.

## ADJOURNMENT.

On motion of Mr. Spragins at one fifteen o'clock p. m. the Senate adjourned until ten-thirty o'clock tomorrow morning.

## TWELFTH DAY.

Friday, January 25, 1907.

The Senate met pursuant to adjournment.  
Prayer by Rev. Dr. Young of the city.

## ROLL CALL.

Present:

Mr. President,

And Messrs:

Barbour	Hamburger	Lowe	Reynolds
Bayles	Hamner	Lusk	Spragins
Blackmon	Hayes	Merritt	Strother
Davis	Heacock	Miller	Teasley
Doster	Hinson	Moody	Thomas
Forrester	Horton	McWhorter	White
Gardner	Jones	Reese	Wilson
Glenn	King	Reid	Wimberly
Gunn	Leith		

—34.

## JOURNAL.

On motion of Mr. Gardner, the reading of the journal of yesterday was dispensed with, and the same was approved.

## PRIVILEGES OF THE FLOOR.

The privileges of the floor were extended to Messrs.

P. I. Burke, F. E. St. John, J. B. Brown, Holmes Powell, S. J. Griffin, C. S. McDowell, W. O. Ward, W. B. Leedy, Augustus Benners, Judge A. H. Alston, T. Sydney Fraser.

ORDER TO PRINT.

Mr. Lusk returned to the Senate from the judiciary committee:

S. 69. To amend sections 897, 900, 905, 906, 907, 908, and 911 of article 1, chapter 19 of the code of Alabama.

And upon his motion, the secretary was directed to have 500 copies of same printed for the use of the Senate.

And upon motion of Mr. Moody, the secretary was directed to have 300 copies of:

S. 188. To provide that under certain conditions an election may be held in the several counties in Alabama, each county meeting by and for itself only, as to whether municipal corporations in such counties shall have authority to buy and sell spirituous, vinous or malt liquors; to provide that the voters at said election shall vote "For dispensary" or "Against dispensary;" to declare the result and effect of said election; to define the term "dispensary" as used in this act; to provide that in those counties in which, at the election aforesaid a majority of the votes are cast "for dispensary," the municipal corporations in said counties shall have authority to establish, maintain, and operate dispensaries, and in ~~and through~~ such dispensaries to buy and sell spirituous, vinous and malt liquors; to prohibit and punish the selling of liquors and intoxicating drinks in counties, in any other way than by such municipal corporations through their dispensaries; and to declare the violation of certain provisions of this act shall be a misdemeanor and to provide for the punishment thereof; and to further regulate the sale of liquors in said counties; this act not being intended, however, to repeal or effect any law

which prohibits the sale of liquors in any county or part of a county, or to repeal or effect any law which authorizes corporations to buy and sell liquors in any county or part of a county by and through dispensaries.

Printed for the use of the Senate.

#### INTRODUCTION OF BILLS.

On the call of the districts, bills were introduced, read and referred to appropriate standing committees, as follows:

By Mr Wilson :

S. 178. To amend section 1485 of the code.

Revision of Laws.

By Mr. Blackmon :

S. 179. Regulating or fixing weights under which flour, corn meal, and grits shall be packed in Alabama, to protect purchasers and dealers from fraudulent short weights; and to prohibit fraudulent packing and sale of flour, corn meal and grits. To provide for variations or inaccuracies in weights and fix the penalty for violation of this act.

Commerce and Common Carriers.

S. 180. By Mr. King, (with notice and proof, as follows) :

The State of Alabama, }

Marengo County. }

Personally appeared before me, Benj. F. Elmore, a notary public in and for said county and State, H. A. Norton, who, being first duly sworn, deposes and says that he is the publisher of "The Demopolis Times," that the said "The Demopolis Times" is a weekly newspaper regularly published at Demopolis, Marengo county, Alabama; that he was publisher of the said newspaper during the year 1906, including the month of December, 1906, and until the present time, and is now the publisher of said newspaper; that the following notice, to-wit:

"Notice is hereby given that a bill will be introduced in the Legislature of Alabama at the approaching session thereof, prohibiting the sale, barter, exchange or other disposition of spirituous, vinous, or malt liquors or intoxicating beverages, tonics, or decoctions within the limits of Faunsdale precinct, in Marengo county, Alabama, except at the dispensary in the town of Faunsdale. December 18, 1906.

"J. C. Brown.

"A. J. Dollins.

"Enos Rogers."

Has been published at least once a week in the said "The Demopolis Times" for four consecutive weeks, in regular issues of the said newspaper, beginning with the issue of December 20, 1906, and in each weekly issue thereafter until and including the weekly issue of January 10, 1907, to-wit: the issues of December 20, 1906, December 27, 1906, January 3, 1907, and January 10, 1907.

H. A. Norton,

Publisher of "The Demopolis Times."

Subscribed and sworn to before me, this the 17th day of January, 1907.

Benj. F. Elmore,

Notary Public.

By Mr. King:

S. 180. To prohibit the sale, barter, exchange, or other disposition of spirituous, vinous, or malt liquors or intoxicating beverages, tonics, or decoctions, within the limits of Faunsdale precinct, in Marengo county, Alabama, except at the dispensary in the town of Faunsdale.

Temperance.

By Mr. Gardner:

S. 181. To authorize, designate depositories for public school funds by county officials.

Banking and Insurance.

By Mr. Reese:

S. 182. To amend section 525 of the code of Alabama of 1896.

Revision of Laws.

By Mr. Reese:

S. 183. To require all persons owning pistols, or having the same in their possession to assess the same for taxation, and to provide punishment for failure so to do.  
Judiciary.

By Mr. Reynolds, (With notice and proof attached, as follows):

S. 184. To amend section 1 of an act entitled an act to incorporate the town of West Blocton, Bibb county, Alabama, so far as said section relates to the boundary line of said town, approved March 4th, 1901.

Local Legislation.

#### LEGAL NOTICE.

Notice is hereby given that a bill will be introduced in the Legislature which convenes on the 8th of January, 1907, to amend the charter of the town of West Blocton, as to its boundary lines, so as to include in its corporate limits the following described lands, to-wit: The S. E. 1-4 of S. E. 1-4 of section 14, T. 22, R. 6 W., also lot No. 9 being four acres in the S. E. corner of N. E. 1-4 of S. E. 1-4, section 14, T. 22, R. 6 W., as described by the map of McGrawtown, also N. 1-2 of S. W. 1-4, section 13, T. 22, R. 6 W., also the following described tract of land, beginning at the southeast corner of the last named above described tract of land, thence going in an easterly direction to the northernmost corner of the lot now occupied by the Episcopal church, thence going in southeasterly direction along line of said lot and continuing in same direction to the public road leading from town of West Blocton to Blocton, thence in a southerly direction to the northeast corner of the E. D. Reynolds lot, thence going northeasterly to nearest corner of lot formerly occupied by P. P. Pritchard, thence westerly to the southeast corner of W. A. Harvey's drug store.

W. H. Logan, mayor.

December 22, 1906.

The State of Alabama, }  
 County of Bibb. }

Before me, W. H. Logan, a notary public, in and for said State and county, personally appeared C. E. Allen, editor of the Blocton Enterprise, a newspaper published in West Blocton, Bibb county, Alabama, who being sworn says that the above attached notice was published for four consecutive weekly issues of said above named paper, beginning first insertion December 22, last insertion January 12, 1907.

C. E. Allen,  
 Editor.

Sworn to and subscribed before me this the 23rd day of January, 1907.

W. H. Logan,  
 Notary Public.

By Mr. Reynolds (with notice and proof attached, as follows):

S. 185. To amend an act establishing the Blocton public school district in Bibb county, Alabama, approved February 28th, 1887.

Local Legislation.

#### LEGAL NOTICE.

Notice is hereby given that a bill will be introduced in the Legislature of Alabama which will convene in January, 1907, to amend an act (No. 540) establishing the Blocton Public School district in Bibb county, approved February 28th, 1887, so as to provide that the territory embraced within the corporate limits of the town of West Blocton, or which shall hereafter be embraced within said limits, shall be excluded from the operation of said act, and to provide that said territory shall be regulated and controlled by the provisions of the general school laws of the State of Alabama.

W. H. Logan, Mayor.

December 22, 1906.

The State of Alabama, }  
 Bibb County. }

Before me, W. H. Logan, a notary public, in and for said State and county, personally appeared C. E. Allen,



editor of the Blocton Enterprise, a newspaper published in West Blocton, Bibb county, Alabama, who being sworn says that the above attached notice was published for four consecutive weekly issues of said above named paper, beginning first insertion December 22, last insertion January 12th, 1907.

C. E. Allen, Editor.

Sworn to and subscribed before me this the 23d day of January, 1907.

W. H. Logan, Notary Public.

By Mr. Hays:

S. 186. To further promote and secure the erection of cotton mills and factories in the State of Alabama.

Mining and Manufacturing.

By Mr. Moody:

S. 187. To make an appropriation for the marking and caring for the graves of the Confederate soldiers in the State of Ohio.

Finance and Taxation.

By Mr. Moody:

S. 188. To provide that under certain conditions an election may be held in the several counties in Alabama, each county acting by and for itself only, as to whether municipal corporations in such counties shall have authority to buy and sell spirituous, vinous and malt liquors; to provide that the voters at said election shall vote "For Dispensary" or "Against Dispensary;" to declare the result and effect of said election; to define the term "Dispensary" as used in this act; to provide that in those counties in which, at the election aforesaid a majority of the votes are cast "For Dispensary," the municipal corporations in said counties shall have authority to establish, maintain, and operate dispensaries, and in and through such dispensaries to buy and sell spirituous, vinous and malt liquors; to prohibit and punish the selling of liquors and intoxicating drinks in said counties; in any other way than by such municipal corporations through their dispensaries; and to declare the violation of certain provisions of this act shall be a misdemeanor and to provide for the punishment thereof; and to fur-

ther regulate the sale of liquors in said counties; this act not being intended, however, to repeal or affect any law which prohibits the sale of liquors in any county or part of a county, or to repeal or effect any law which authorizes corporations to buy and sell liquors in any county or part of a county by and through dispensaries. By Mr. Overton :

S. 189. To provide for the appointment of a State highway commission, defining its powers and duties, and providing for the construction, improvement and maintenance of public highways by extending State aid for that purpose in the several counties of the State.

Commerce and Common Carriers.

By Mr. Teasley (with notice and proof attached) :

S. 190. To make the judge of the city court of Montgomery, and the associate judge of the city court of Montgomery, elective by the people.

Local Legislation.

#### JUDGESHIP LAW.

Notice is hereby given, that a bill will be introduced in the next Legislature of Alabama, to make the judge and associate judge of the city court of Montgomery elective by the people, and fix the term of office of said judges.

Charles B. Teasley.

oaw-4wks.

The State of Alabama, }  
Montgomery County. }

Before me, Susanna M. Elmore, a notary public in aforesaid county and State, personally appeared, F. H. Miller, general manager of the Montgomery Journal, a newspaper published in the State and county of Montgomery, Alabama, and being duly sworn says that a notice, of which the attached is a true copy was published in said newspaper, once a week for four weeks and being in the issue of said newspaper on the following dates

namely, December 26th, 1906, and January 2nd, 9th, and 16th, 1907.

(Signed) F. H. Miller,  
General Manager.

Sworn to and subscribed before me this the 23rd day of January, 1907.

Susanna M. Elmore,  
Notary Public, Montgomery County, Alabama.

#### REPORTS OF COMMITTEES.

The following bills were returned to the Senate from committees, each having been acted upon by the respective standing committees in session as, in each case, stated below, and were read a second time, to-wit:

Mr. Lusk from Judiciary Committee, favorably, with amendment:

S. 62. To fix the weights and measures and regulate the trade in corn, meal and flour, and to prohibit packing or dealing in so called short weight packages.

Also (with amendment):

S. 67. To further regulate the practice and proceedings in the chancery courts of the State.

Also:

S. 175. To further regulate and prohibit the dealing in future contracts in the State of Alabama.

By Mr. Reynolds, from Committee on Education, favorably, (with substitute):

S. 30. To provide the indigent children of this State in attendance on the public schools of said State with text books and to provide for their preservation and to fix a penalty for the violation of this act.

Also (with amendment):

S. 65. To provide a penalty for fraudulent enumeration of children by district trustees.

Also (with amendment):

S. 90. To provide for the attendance of certain children of this State on the public schools of said State, and to provide for the enforcement of said law, and to fix a penalty for the violation thereof.

Also:

S. 91. Requiring teachers in the public schools of this State to give thirty days notice to the county board of education, or to the district trustees, upon resigning their positions.

Mr. Wilson, from Committee on Mining and Manufacturing, favorably.

S. 75. To amend section 2926 of the Code of Alabama.

Mr. Bayles, from Committee on Revision of Laws, favorably, (with amendment):

H. 9. To amend an act entitled an act to amend section 2937 of the Code of Alabama, approved February 11, 1901.

Also (with amendment):

S. 113. To define vagrancy, and to provide for the proof and punishment thereof.

Also (with amendment):

S. 151. To provide for the disposition of certain fees and costs which have or may be received by certain officers in this State.

Mr. Leith, from the Committee on the Revision of the Journal, submits the following report, which was approved and adopted:

Mr. President:

The Committee on the Revision of the Journal, report that they have examined the Senate Journal from the 1st to the 11th, legislative days both inclusive, of the session and find the same to be correct.

M. L. Leith, Chairman.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

H. 111. Relating to the preservation, propagation and protection of game animals, wild birds and fish; establishing a department of game and fish, creating the office of State Game and Fish Commissioner, and providing for his election and compensation; creating the

offices of county game and fish warden, and deputy game and fish warden and providing for their appointment and compensation; creating a game and fish protection fund and appropriating money therefrom.

And sends the same to the Senate.

The House has also originated and passed the following bill:

H. 84. To convert the surplus money of the fine and forfeiture fund of Choctaw county, Alabama, into a special court house fund and to provide for the disbursement of the same.

And send the same to the Senate with notice and proof attached and herewith exhibited as follows:

#### NOTICE OF PROPOSED BILL.

Notice is hereby given that there will be introduced in the next Legislature of Alabama the following local bill in behalf of Choctaw county, which is in substance as follows:

It shall be the duty of the county treasurer of said county when any surplus of money shall remain in the fine and forfeiture fund of said county, after paying all charges against such fund, on the first day of February and the first day of November of each year from and after the passage of this act, to convert said surplus to the credit of a fund to be known as the court house fund of Choctaw county. And said fund, when so converted, shall be for the use of the county in payment of any outstanding indebtedness of the county, now due or to be due, for the building of the court house now in course of construction, or to pay for the furnishing of the same; and the said fund is to be disbursed under order of the commissioner's court.

This law is to remain in operation until said indebtedness shall have been paid, and when the commissioner's court of said county by an order on the minutes of said court shall declare said indebtedness paid this law shall cease to be in force and the fine and forfeiture fund of said county shall then be governed by the general laws of the State then in force.

All laws and parts of laws in conflict herewith are repealed.

The State of Alabama, }  
Choctaw County. }

Personally appeared before me, Charles E. McCall, judge of the probate court in and for said county and State, W. L. Gray, who is known to me to be the editor and publisher of the Choctaw Advocate, a newspaper published in Butler in said county, who being sworn by me, deposes and says as follows: That the attached notice hereto is a true and exact copy of the notice of the substance of a proposed bill or act that will be introduced in the next general assembly of the State of Alabama.

The deponent further says that said notice was published in said newspaper for four consecutive weeks next before the 8th day of January, 1907.

W. L. Gray,

Editor and Publisher of the Choctaw Advocate.

Sworn to and subscribed before me, this the 8th day of January, 1907.

Charles E. McCall,

Judge of Probate, Choctaw County.

Cyrus B. Brown, Clerk.

#### HOUSE MESSAGES.

The House bills in the foregoing House message were severally read once and referred to appropriate committees as follows:

H. 111. To Game, Fish and Forrestry Preservation.

H. 84. Local Legislation.

#### HOUSE BILLS ON THIRD READING.

The bill:

S. 158. To establish, maintain, regulate and make efficient a dispensary for Madison county, Alabama located in the city of Huntsville.

Was read a third time at length and passed.

Yeas, 29; nays, 0.

Yeas :

Messrs :—

Barbour	Hamburger	Lowe	Spragins
Bayles	Hamner	Lusk	Strother
Blackmon	Hayes	Merritt	Teasley
Davis	Horton	Miller	Thomas
Forrester	Jones	Reese	White
Gardner	King	Reid	Wilson
Glenn	Leith	Reynolds	Wimberly
Gunn			

—29.

The bill :

S. 37. To prohibit the sale of spirituous, vinous or malt liquors, wines, ciders, or other intoxicating liquors in precinct number five, Barbour county, Alabama, except in a dispensary in the corporate limits of the city of Eufaula, and to provide punishment for the violation of this act.

Was read a third time at length and passed.

Yeas, 29; nays, 0.

Yeas :

Messrs :—

Barbour	Hamburger	Lusk	Spragins
Bayles	Hamner	Miller	Strother
Blackmon	Hayes	Moody	Teasley
Davis	Jones	Overton	Thomas
Forrester	King	Reese	White
Gardner	Leith	Reid	Wilson
Glenn	Lowe	Reynolds	Wimberly
Gunn			

—29.

The bill :

S. 36. To authorize the city of Eufaula to establish, maintain, regulate and operate a dispensary in the said city of Eufaula, Barbour county, Alabama, for the purchase and sale of spirituous, vinous and malt liquors, and wines, ciders and other intoxicating liquors, and to establish and perpetuate a board of commissioners for the management of said dispensary, and to prohibit the sale, except by said dispensary, of such liquors in

said city of Eufaula, and to provide punishment for any violation of the provisions of this act.

Was taken up.

The following amendment reported by the committee was adopted:

Amend section 2 of the bill by striking out the following words in said section 2, to-wit: "Each member of said dispensary commission shall receive a salary of one hundred and eighty dollars per annum payable in monthly instalments out of the net proceeds of said dispensary," and inserting in lieu thereof the following words, to-wit: "Each member of said dispensary commission shall receive a salary of one hundred dollars per annum payable in quarterly installments out of the net proceeds of said dispensary."

Yeas, 25; nays, 0.

Yeas:

Messrs:

Barbour	Glenn	Lowe	Reynolds
Bayles	Gunn	Lusk	Strother
Blackmon	Hayes	Moody	Thomas
Davis	Jones	Overton	White
Doster	King	Reese	Wilson
Forrester	Leith	Reid	Wimberly
Gardner			

—25.

And the bill as thus amended, was read a third time at length and passed.

Yeas, 25; nays, 0.

Yeas:

Messrs:—

Barbour	Glenn	Lowe	Reynolds
Bayles	Gunn	Lusk	Strother
Blackmon	Hayes	Moody	Thomas
Davis	Jones	Overton	White
Doster	King	Reese	Wilson
Forrester	Leith	Reid	Wimberly.
Gardner			

—25.



The bill:

S. 29. To establish a dispensary in and for the town of Georgiana, in the county of Butler, State of Alabama, and to provide for the conduct and regulation of the same.

Was read a third time at length and passed.

Yeas, 28; nays, 0.

Yeas:

Messrs:—

Barbour	Hamburger	Lusk	Reynolds
Bayles	Hamner	Merritt	Spragins
Blackmon	Hayes	Miller	Strother
Davis	Jones	Moody	Teasley
Forrester	King	Overton	White
Glenn	Leith	Reese	Wilson
Gunn	Lowe	Reid	Wimberly.

—28.

The bill:

S. 128. To confer jurisdiction of all misdemeanors on the county court of Clarke county, and to define the jurisdiction of said court, to regulate the practice therein, to provide for a judge, solicitor and clerk of said court and to fix their compensation.

Was taken up.

The following amendment offered by the committee was adopted:

Amend by striking out the word "same" in line five in section 19, and insert in lieu thereof the words "Fine and Forfeiture" and after the word funds in said line the words "of said county."

Yeas, 29; nays, 0.

Yeas:

Messrs:—

Barbour	Hamner	Lusk	Reynolds
Bayles	Hayes	Merritt	Spragins
Blackmon	Horton	Miller	Strother
Forrester	Jones	Moody	Teasley
Glenn	King	Overton	White
Gardner	Leith	Reese	Wilson
Gunn	Lowe	Reid	Wimberly
Hamburger			

—29.

And the bill as thus amended was read a third time at length and passed.

Yeas, 30; Nays, 0.

Yeas:

Messrs:—

Barbour	Hamburger	Lusk	Reynolds
Bayles	Hamner	Merritt	Spragins
Blackmon	Hayes	Miller	Strother
Davis	Horton	Moody	Teasley
Forrester	Jones	Overton	Thomas
Gardner	King	Reese	White
Glenn	Leith	Reid	Wimberly
Gunn	Lowe		

—30

The bill:

S. 101. To provide for the compensation of the solicitor for Mobile county for the prosecution of criminal cases.

Was read a third time at length and passed.

Yeas, 30; Nays, 0.

Yeas:

Messrs:—

Barbour	Hayes	Miller	Spragins
Blackmon	Hinson	Moody	Strother
Doster	Horton	McWhorter	Teasley
Forrester	Jones	Overton	Thomas
Glenn	King	Reese	White
Gunn	Leith	Reid	Wilson
Hamburger	Lusk	Reynolds	Wimberly.
Hamner	Merritt		

—30.

The bill:

S. 100. To provide for the election of a solicitor for Mobile county.

Was read a third time at length and passed.

Yeas, 29; Nays, 0.

Yeas:

Messrs:—

Barbour	Hamburger	Lusk	Spragins
Bayles	Hamner	Merritt	Strother
Blackmon	Hayes	Moody	Teasley
Davis	Horton	Overton	Thomas
Forrester	Jones	Reese	White
Gardner	King	Reid	Wilson
Glenn	Leith	Reynolds	Wimberly
Gunn			

—29.

The bill:

S. 120. To establish a board of revenue for Winston county, and to define its duties and powers, and for the abolishment of the court of county commissioners of said county.

Was read a third time at length and passed.

Yeas, 24; Nays, 1.

Yeas:

Messrs:—

Barbour	Hamner	Miller	Spragins
Doster	Hayes	Moody	Strother
Forrester	Jones	Overton	Teasley
Gardner	King	Reese	White
Glenn	Leith	Reid	Wilson
Gunn	Merritt	Reynolds	Wimberly

—24.

Nays: Mr. Bayles—1.

The bill:

S. 129. To amend an act entitled "An act to regulate and provide for the trial of misdemeanors in Washington county, Alabama, approved Feb. 21st, 1899."

Was read a third time at length and passed.

Yeas, 24; Nays, 0.

Yeas:

Messrs:—

Bayles	Gardner	Hayes	Leath
Doster	Gunn	Jones	Lusk
Forrester	Hamner	King	Merritt

Miller	Reese	Spragins	White
Moody	Reid	Strother	Wilson
Overton	Reynolds	Thomas	Wimberly

—24.

The bill:

S. 121. To prohibit the sale of spirituous, vinous or malt liquors or other intoxicating beverages within three miles of Sardis Missionary Baptist church, which is located near the town of Mountainboro in Etowah county, Alabama, except as the three mile limit may overlap or extend into Marshall county, Alabama.

Was read a third time at length and passed.

Yeas, 25; Nays, 0.

Yeas:

Messrs:—

Barbour	Hamner	Lusk	Reynolds
Bayles	Hayes	Merritt	Spragins
Doster	Horton	McWhorter	Strother
Forrester	Jones	Overton	Thomas
Gardner	King	Reese	White
Glenn	Lowe	Reid	Wimberly.
Gunn			

—25.

#### UNFINISHED BUSINESS.

The Senate proceeded to take up the unfinished business left over from yesterday, which was the motion of Mr. Gardner to take from the adverse calendar S. B. 41, relative to the reduction of the tag tax, which motion was lost.

Yeas, 15; nays, 17.

Messrs:—

Barbour	Forrester	Lowe	Strother
Blackmon	Gardner	Moody	White
Davis	Jones	Reid	Wimberly
Doster	Leith	Reynolds	

—15.

Nays:

Messrs:—

Bayles	Hayes	Miller	Spragins
Glenn	Horton	McWhorter	Teasley
Gunn	Lusk	Overton	Thomas
Hamburger	Merritt	Reese	Wilson
Hamner			

—17.

#### MOTION TO TABLE.

Mr. Horton made a motion to table Senate bill 98, S. 98. To amend an act entitled an act to amend section 2937 of the Code of Alabama, approved February 11th, 1901.

Which motion was carried.

#### RESOLUTIONS.

Mr. Gardner offered the following Senate joint resolution:

S. J. R. 29. Be it resolved by the Senate, the House concurring, That the President of the Senate, and Speaker of the House shall give each employee in their respective bodies, a certificate showing the amount of compensation to which he is entitled for work performed.

And on a suspension of the rules, the said resolution was put upon its immediate passage and adopted.

Mr. Lowe offered the following resolution:

S. R. 30. Resolved by the Senate of Alabama that the building committee created by an act approved February 17th, 1903, to contract for the extension, enlargement or improvement of the present State capitol, be requested to transmit to the Senate a detailed report of its entire work and operations up to date.

Which resolution was referred to the committee on rules.

Mr. Doster offered the following resolution:

S. R. 31. Resolved by the Senate, the House concur-

ring, That a committee of five, consisting of two on the part of the Senate, and three on the part of the House, be appointed by the President of the Senate and Speaker of the House, respectively, to visit the Alabama Boys' Industrial School, located at East Lake, and investigate and report the condition and needs of that institution.

Which resolution was referred to the committee on rules.

Mr. Reynolds offered the following Senate joint resolution:

S. J. R. 32. Be it resolved by the Senate of Alabama, the House concurring, that whereas, one of the chief difficulties which confronts our solicitors, sheriffs and judges in enforcing the laws of Alabama, relating to the sale or otherwise disposing of intoxicating liquors, where the sale or disposal of same is prohibited by law, is the fact that when such intoxicating liquors are shipped from one State into another, by virtue of the interstate commerce laws, the several States virtually have no jurisdiction over the same, and whereas, it is of the utmost concern to the several States of this Union that they control the whiskey traffic, therefore,

Be it resolved, by the Senate of Alabama, the House concurring, That Congress be and it is hereby petitioned to enact a law which shall make all shipments of intoxicating liquors destined from a point in one State to a point in another State, to cease to be governed by the interstate commerce laws, when said shipments touch the territory of said State of destination, and shall then be governed by the laws of said last named State.

~~Which resolution was referred to the committee on~~  
rules.

Mr. Thomas offered the following resolution:

S. R. 33. Resolved, that the Secretary of the Senate be and he hereby is, requested in the making and preparation of each days calendar, as required by rule 45, that he bring forward as a part of said printed calendar for each day, that part of the calendar of previous days, which was undisposed of at the last adjournment.

Which resolution, under a suspension of the rules, was adopted.

#### SPECIAL ORDER.

The hour of 12 o'clock having arrived, the Senate proceeded to consider the special order for that hour, which was,

S. 7. To define and prohibit the unlawful giving, issuing, using or receiving free passes, rebates, reductions, or discounts for transportation by common carriers of passengers, and to punish the unlawful giving, issuing, using or receiving the same.

On motion of Mr. Overton, said bill was recommitted to the committee on commerce and common carriers.

#### RESOLUTIONS.

Mr. Gardner offered the following joint resolution :

S. J. R. 34. Resolved by the Senate that the House of Representatives be requested to return to the Senate S. J. R. 29, relative to the President of the Senate and Speaker of the House giving to the employees of their respective bodies a certificate showing the amount of compensation to which he was entitled for work performed.

Which resolution was under a suspension of the rules adopted.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bill,

H. 269. To make appropriation for the ordinary expenses for the executive, legislative and judicial departments of the State, for the interest on the public debt and for public schools.

And has ordered the same sent forthwith to the Senate without engrossment.

And has concurred in the Senate joint resolution rel-

ative to a joint committee being raised for the purpose of considering how the manuscript of the new Code, recently submitted to the Senate by the Governor, shall be read and considered.

Committee on part of the House, Messrs. John, Foster, Carmichael of Colbert, and Maner.

And has concurred in Senate joint resolution No. 28, relative to the adjournment of the two Houses of the Legislature on Friday, the 25th inst., to Monday, January 28th, at twelve o'clock.

And has passed the following H. J. R.:

By Mr. Wolf:

H. J. R. 40. Resolved by the House, the Senate concurring, that a committee of five members be appointed to consist of three members of the House, and two members of the Senate, to be named by the Speaker of the House and the President of the Senate, respectively, to investigate the matter of salaries of the executive officers of this State, and of the clerks and employees of the various executive offices or departments; to ascertain whether the salaries now paid to such officers, clerks and employees are adequate and fair and commensurate with their several duties, labors and responsibilities with the reasonable cost of living.

And the House has concurred in the S. J. R. 27, relative to a committee to visit the Soldiers' Home and report to the House.

Committee on part of the House, Messrs. Killen, Ratray and White of Perry.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House accede to the request of the Senate to the return of S. J. R. 29 and herewith returns the same to the Senate.

Cyrus B. Brown,  
Clerk.

#### HOUSE MESSAGE.

The House bills in the foregoing House message were



severally read once and referred to appropriate committees as follows:

H. 269. To finance and taxation.

And the Senate concurred in the House joint resolution:

H. J. R. 40. Raising a joint committee of the two Houses to investigate the matter of salaries of the executive officers of the State and clerks and employees of the various departments.

And the President of the Senate announced as committee on part of the Senate, Messrs. Miller and Hamburger.

#### WITHDRAWAL OF RESOLUTION.

On motion of Mr. Gardner, Senate joint resolution No. 29 was withdrawn from further consideration by the Senate.

#### SENATE JOINT RESOLUTION.

Mr. Gardner offered the following:

S. J. R. 35. Be it resolved by the Senate, the House concurring, that no officer or clerk of the Senate or House shall employ any assistant at the expense of the State without the previous written authority of the President, or Speaker of the House, as the case may be.

Be it further resolved, that the secretary, engrossing and enrolling clerk and doorkeeper of the Senate, and the Clerk, engrossing clerk, enrolling clerk, and doorkeeper of the House, be required to keep expense accounts showing all expenses incurred and the purpose for such expenses, and that the engrossing and enrolling clerk of the Senate, and the engrossing, and enrolling clerk of the House, shall each report daily to the Secretary of the Senate and the Clerk of the House, the number of assistants employed by them respectively, and shall each keep a register of all bills engrossed or enrolled by them respectively, together with the number and date of engrossment and enrollment of each bill and the approximate number of the words in each bill engrossed and enrolled, and by whom each bill is engrossed and enrolled.

And each of the officers herein required to keep accounts shall on Friday morning of each week submit to the committee on rules, in the House where employed, for audit and approval, all such accounts and register kept by them respectively, and also all reports, which are required to be made by them.

Be it further resolved that the president of the Senate and speaker of the House shall give each employee, in their respective bodies, a certificate showing the amount of compensation to which he is entitled for work performed.

Be it further resolved, That the clerk of each standing committee in the Senate and House shall, at all times be subject to the call and direction of the chairman of his committee, and shall, except when excused in writing by the chairman of his committee, attend the daily sessions of the Senate and House, and remain in the House where employed during the entire session.

Be it further resolved, That failure on the part of any officer, clerk or employee to observe these rules shall be grounds for summary dismissal by the President of the Senate, or the speaker of the House, in their respective bodies, and any officer, clerk or employee failing to attend the daily sessions of the House as aforesaid, unless excused as aforesaid, shall for each day or part of a day he shall fail to attend, forfeit one day's pay.

Which was, on a suspension of the rules, adopted.

#### MOTION.

Pursuant to the notice given on yesterday, Mr. Jones made a motion to take from the adverse calendar and put upon the Senate calendar, S. B. 131.

To submit to the qualified electors of the State at the general election to be held on the first Tuesday after the first Monday in November, 1908, for the two associate justices of the Supreme Court, for their consideration, an amendment to sections 46 and 48 of article 4 of the Constitution so as to provide for biennial sessions of the Legislature.

Which motion was carried.

Yeas, 19; nays, 7.

Yeas—

Messrs:—

Barbour	Hinson	Merritt	Strother
Blackmon	Jones	Miller	Teasley
Gunn	Leith	Moody	Thomas
Hamner	Lowe	Reese	Wilson
Hayes	Lusk	Reynolds	

—19.

Nays—

Messrs:—

Doster	Gardner	Reid	White
Forrester	King	Spragins	

—7.

#### PAIR VOTE.

Mr. Davis announced that he and Mr. Horton had paired their vote, that if Mr. Horton was present he would vote no, and he, Davis, would vote aye.

#### ADJOURNMENT.

At 1:30 o'clock, p. m., on motion of Mr. Lusk, the Senate adjourned until 12 o'clock Monday.

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#### THIRTEENTH DAY.

Monday, January 28th, 1907.

The Senate met pursuant to adjournment.

Prayer by the Rev. Dr. Brooks Lawrence, of Birmingham.

## ROLL CALL.

Present:—

Mr. President

And Messrs—

Barbour	Hamburger	Lowe	Reynolds
Bayles	Hamner	Lusk	Spragins
Blackmon	Hayes	Merritt	Strother
Davis	Heacock	Miller	Teasley
Doster	Hinson	Moody	Thomas
Forrester	Horton	McWhorter	White
Gardner	Jones	Overton	Wilson
Glenn	King	Reid	Wimberly.
Gunn	Leith		

—34.

## LEAVE OF ABSENCE.

A leave of absence was granted to Mr. Reese for to-day.

## JOURNAL.

The reading of the Journal of yesterday, was, on motion of Mr. Miller, dispensed with and the same was approved.

## PRIVILEGES OF THE FLOOR.

The privileges of the floor were extended to Messrs. R. A. Mitchell, Kemp, for today.

## INTRODUCTION OF BILLS.

On the call of the districts, bills were introduced, read and referred to appropriate standing committees as follows:

By Mr. Spragins:

S. 191. To prohibit and punish the selling, bartering or exchanging of spirituous, vinous or malt liquors in the county of Madison, after the first day of March, 1907,

except in the dispensary for said county, located in the city of Huntsville.

Temperance.

With notice and proof as follows:

NOTICE.

Notice is hereby given as required by section 106 of the Constitution of the State of Alabama that application will be made to the Legislature of Alabama at its session beginning January 8, 1907, for the passage of, substantially, the following bill:

A BILL TO BE ENTITLED AN ACT:

To prohibit and punish the selling, bartering or exchanging of spirituous, vinous or malt liquors in the county of Madison, after the first day of March, 1907, except in the dispensary for said county, located in the city of Huntsville.

Be it enacted by the Legislature of Alabama:

1. It shall be unlawful to sell, barter or exchange spirituous, vinous or malt liquors in the county of Madison after the first day of March, 1907, except in the dispensary for said county, located in the city of Huntsville.

2. Nothing in this act, however, shall be construed so as to prevent the sale on their own premises, of domestic wines in quantities not less than one quart, by persons who have manufactured the same from grapes or berries grown on lands owned, leased or rented by them in said county, provided they do not establish places to sell the same or engage regularly in the business of selling the same.

3. Any person violating the provisions of this act shall be guilty of a misdemeanor, and on conviction for the first or second offense, shall be fined not less than fifty nor more than five hundred dollars, and may also be imprisoned in the county jail or sentenced to hard la-

bor for the county for not more than six months; and for the third or subsequent offense, shall be fined not less than fifty nor more than five hundred dollars, and shall also be imprisoned in the county jail or sentenced to hard labor for the county for not more than six months.

4. All laws and parts of laws in conflict with the provisions of this act are repealed.

The State of Alabama, }  
Madison County. }

Before me, R. E. Wilson, a Notary Public in and for said county and State, this day personally appeared R. L. O'Neal, who is known to me, and who, being first duly sworn, says: That he is publisher of The Morning Mercury, a newspaper published in Madison county, Alabama; and that the attached notice with reference to "A bill to be entitled an act to prohibit and punish the selling, bartering or exchanging of spirituous, vinous or malt liquors in the county of Madison after the first day of March, 1907, except in the dispensary for said county, located in the city of Huntsville," was published in said newspaper once a week for at least four consecutive weeks, and on the following days, namely: December 30th, 1906; January 6th, 1907; January 13th, 1907; and January 20th, 1907.

R. L. O'Neal.

Subscribed and sworn to before me this 25th day of January, 1907.

R. E. Wilson,  
Notary Public for Madison county, Ala.

By Mr. Doster:

S. 192. To provide for the maintenance of the "Alabama Girls Industrial School" and the complete equipment of its class rooms, laboratories and work shops and to build and furnish additional buildings therefor.

Finance and Taxation.

By Mr. Doster:

S. 193. To amend section 12 of an act, to grant a new charter to the "Alabama Girls Industrial School," approved March 4th, 1901, and to confer additional powers on the Trustees of the School.

Corporation.

By Mr. Doster :

S. 194. To provide for the payment of interest on the fund in the State Treasury, the proceeds of lands sold by the Alabama Girls Industrial School."

Finance and Taxation.

By Mr. Reid :

S. 195. To define adverse possession of uncultivated land and woodland.

Judiciary.

Mr. Teasley :

S. 196. To provide for the election of only one justice of the peace in precincts 1, 2, 3, 4, 5, 6, and 7 in the city and county of Montgomery.

Local Legislation.

With notice and proof as follows :

#### JUSTICE BILL.

Notice is hereby given that a bill will be introduced in the next Legislature of Alabama: To provide for the election of only one justice of the peace for each precinct within, or partly within the city of Montgomery; and to define the powers and jurisdiction of said justices of the peace.

Chas. B. Teasley.

The State of Alabama, }  
Montgomery County. }

Before me, Susanna M. Elmore, a Notary Public, in aforesaid county and State, personally appeared F. H. Miller, general manager of the Montgomery Journal, a newspaper published in the State and county of Montgomery, Alabama, and being duly sworn says that a notice, of which the attached is a true copy was published in said newspaper, once a week for four weeks and being in the issue of said newspaper on the following dates, namely: December 26th, 1906; and January 2nd, 9th, and 16th, 1907.

Signed, F. H. Miller,  
General Manager.

Sworn to, and subscribed before me this the 23rd day of January, 1907.

Susanna Elmore,  
Notary Public.

By Mr. McWhorter:

S. 197. To create the office of court stenographer in the judicial circuits of Alabama, to prescribe the duties of said office and to provide for the appointment and compensation of court stenographer.

Finance and Taxation.

By Mr. Thomas:

S. 198. To provide for the classification of cities and towns in the State of Alabama, and for their incorporation, organization and government, and to define their powers, duties, liabilities, and jurisdiction.

Municipal Organizations.

By Mr. Thomas:

S. 199. To establish a law uniform with the laws of other states as to negotiable instruments.

Revision of Laws.

By Mr. Thomas:

S. 200. To establish a law uniform with the laws of other State relative to the probate in this State of foreign wills.

Revision of Laws.

By Mr. Thomas:

S. 201. To establish a law uniform with the laws of other States relative to the execution of wills.

Revision of Laws.

By Mr. Thomas:

S. 202. To provide for court stenographers, or official court reporters for the State of Alabama.

Finance and Taxation.

By Mr. Thomas:

S. 203. To establish a law uniform with the laws of other States to the sealing of deeds and other written instruments.

Revision of Laws.



By Mr. Thomas :

S. 204. To regulate admission to the bar, and to create a board of examiners and specify its duties.

Judiciary.

By Mr. Thomas :

S. 205. To establish a law uniform with the laws of other States for the acknowledgment and execution of written instruments.

Revision of Laws.

#### REPORTS OF COMMITTEES.

The following bills were returned to the Senate from committees, each having been acted upon by the respective standing committees, in session as, in each case, stated below, and were read a second time, to-wit :

By Mr. Miller, from Committee on Finance and Taxation, favorably :

S. 159. To authorize the secretary of State to employ a stenographer for the office of secretary of State and insurance commissioner, and to fix the compensation therefor.

Also (with amendment) :

H. 269. To make appropriations for the ordinary expenses for the executive, legislative and judicial departments of the State, for the interest on the public debt and for public schools.

By Mr. Merritt, from Committee on Local Legislation, favorably :

S. 136. To further regulate the financial affairs of Dallas county.

Also :

S. 176. To divide Montgomery county into three revenue districts, make the members of the board of revenue elective by districts; fix their term of office, prescribe their qualifications; to provide for the appointment of members of said board until the next general election; to prescribe the method of filling vacancies; to provide a clerk for said board, fix his salary and prescribe his duties.

By Mr. Overton, from Committee on Commerce and Common Carriers, favorably with substitute:

S. 7. To define and prohibit the unlawful giving, issuing, using or receiving free passes, rebates, reductions or discounts for transportation by common carriers of passengers, and to punish the unlawful giving, issuing, using or receiving the same.

Mr. Spragins, from the Committee on Engrossed Bills, made the following report, which was adopted, to-wit:

The Committee on Engrossed Bills report that they have examined the engrossed copies of Senate bills numbered 36, 37, 100, 101, 120, 121, 129 and 158, compared them with the original bills, respectively, and found them to be correct.

Robert E. Spragins, Chairman

January 28, 1907.

#### SPECIAL ORDER SET.

On motion of Mr. Overton

S. 7. To define and prohibit the unlawful giving, issuing, using or receiving free passes, rebates, reductions, or discounts for transportation by common carriers of passengers, and to punish the unlawful giving, issuing, using or receiving the same.

Which was this day reported from the Committee on Commerce and Common Carriers, favorably with a substitute, was made a continuing, paramount special order for one o'clock p. m. today.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bill:

H. 329. To appropriate the sum of eight thousand seven hundred and thirty-four dollars and fifty-seven cents (\$8,734.57) for the relief of the First National Bank of Montgomery, Alabama.

And sends the same to the Senate.  
ate without engrossment.

And sends same to the Senate with notice and proof attached and herewith exhibited as follows:

The State of Alabama, }  
Montgomery County. }

Before me, Rica Alexander, a notary public in and for said State and county, personally appeared Victor H. Hanson, who is known to me and who, being by me first duly sworn, deposes and says: that he is the advertising manager of the Montgomery Advertiser, a daily newspaper printed in Montgomery, Alabama, and that an advertisement, giving notice that a bill will be introduced at the session of the Legislature, 1907, to relieve the First National Bank, of Montgomery, for amount of note signed by Wm. D. Jelks, W. H. Saiders, J. M. Carmichael, B. H. Brown, et al., to the sum of eight thousand six hundred and ninety-three dollars and seventy-five cents (\$8,693.75), etc., a copy of which is hereto attached, was printed in the Montgomery Advertiser, December 15, 22, 29 and January 5.

Victor H. Hanson.

Subscribed and sworn to before me this the 19th day of January, 1907.

Rica Alexander,  
Notary Public, Montgomery County, Ala.

Notice is hereby given that a bill will be introduced at the next session of the Legislature, 1907, to relieve the First National Bank of Montgomery, for amount of note signed by Wm. D. Jelks, W. H. Sanders, J. M. Carmichael, B. H. Brown, et al., to the sum of \$8,693.75, and an additional small amount for interest for about one month, which sum was advanced to meet deficiency of quarantine appropriations for 1905-6, the expenses of the quarantine of 1905 being in excess of appropriation to said amount.

—sat—4t

And has originated and passed the following bill:

H. 110. Relating to the preservation, propagation and protection of the fish of Alabama.

And sends the same to the Senate|

Cyrus B. Brown, Clerk.

## HOUSE MESSAGES.

The House bills in the foregoing house message were severally read once and referred to appropriate committees as follows:

H. 329. To Finance and Taxation.

H. 110. To Game, Fish and Forrestry Preservation.

## BILLS ON THIRD READING.

The bill:

S. 80. To amend section 4762 of the Code of Alabama of 1896.

Was read a third time at length and passed.

Yeas, 30; nays, 0.

Yeas:

Messrs:

Barbour	Hamner	Lusk	Spragins
Bayles	Hayes	Merritt	Strother
Blackmon	Hinson	Miller	Teasley
Davis	Horton	McWhorter	Thomas
Doster	Jones	Overton	White
Gardner	King	Reid	Wilson
Glenn	Leith	Reynolds	Wimberly
Gunn	Lowe		

—30.

The bill:

S. 82. To amend section 5050 of the Code of Alabama.

Was read a third time at length and passed.

Yeas, 29; nays, 1.

Yeas:

Barbour	Hamner	Lusk	Spragins
Bayles	Hayes	Merritt	Strother
Blackmon	Hinson	Miller	Teasley
Davis	Horton	McWhorter	Thomas
Doster	Jones	Overton	White
Gardner	King	Reid	Wilson
Glenn	Leith	Reynolds	Wimberly
Gunn			

—29.

Nays: Mr. Lowe—1.

The bill:

S. 94. To amend section 5076 of the Code.

Was read a third time at length and passed.

Yeas, 29; nays, 0.

Yeas:

Messrs:

Barbour	Hamburger	Leith	Reynolds
Bayles	Hamner	Lowe	Spragins
Blackmon	Hayes	Lusk	Strother
Davis	Hinson	Merritt	Thomas
Doster	Horton	McWhorter	White
Gardner	Jones	Overton	Wilson
Glenn	King	Reid	Wimberly
Gunn			

—29.

The bill:

S. 118. To amend an act entitled an act to better provide for the revenue of the State, amending subdivision two of section 3907, of the Code, approved March 4th, 1903.

Was read a third time at length and passed.

Yeas, 29; nays, 1.

Yeas:

Messrs:

Bayles	Hamner	Lowe	Spragins
Blackmon	Hayes	Lusk	Strother
Davis	Hinson	Merritt	Teasley
Doster	Horton	McWhorter	Thomas
Gardner	Jones	Overton	White
Glenn	King	Reid	Wilson
Gunn	Leith	Reynolds	Wimberly
Hamburger			

—29.

Nays: Mr. Miller—1.

The bill:

S. 40. To fix the time and place of holding the circuit court in the twelfth judicial circuit of the State of Alabama.

Was read a third time at length and passed.

Yeas, 28; nays, 0.

Yeas:

Messrs:

Barbour	Hamburger	Leith	Reynolds
Bayles	Hamner	Lowe	Spragins
Blackmon	Hayes	Lusk	Strother
Davis	Hinson	Miller	Teasley
Gardner	Horton	McWhorter	Thomas
Glenn	Jones	Overton	White
Gunn	King	Reid	Wilson

—28.

The bill:

S. 72. To appropriate all moneys received by the city of Attalla, in this State, as saloon license, to school purposes and to the payment of the interest on the bonded debt of the said city.

Was taken up.

The following amendment offered by the committee, was adopted, to-wit:

Amend by striking out the following, beginning with line 23:

“constitute a lien on such fund so provided to be enforced as now provided by law for the enforcement of any other lien. But such debts so created shall.”

Yeas, 21; nays, 1.

Yeas:

Messrs:

Barbour	Hayes	Leith	Reynolds
Davis	Hinson	Lowe	Strother
Gardner	Horton	Lusk	Teasley
Glenn	Jones	Overton	White
<del>Gunn</del>	<del>King</del>	<del>Reid</del>	<del>Wilson</del>
Hamner			

—21.

Nays: Mr. Miller—1.

And the bill as thus amended was read a third time at length and passed.

Yeas, 25; nays, 1.

Yeas:

Messrs:

Barbour	Hamner	Leith	Reynolds
Bayles	Hayes	Lowe	Spragins
Blackmon	Hinson	Lusk	Strother
Davis	Horton	Merritt	Thomas
Gardner	Jones	Overton	White
Gunn	King	Reid	Wilson
Hamburger			

—25.

Nays: Mr. Miller—1.

#### SPECIAL ORDER.

The hour of one o'clock p. m. having arrived, the Senate proceeded to the consideration of the special order for this hour, which was:

S. 7. To define and prohibit the unlawful giving, issuing, using or receiving free passes, rebate, reductions, or discounts for transportation by common carriers of passengers, and to punish the unlawful giving, issuing, using or receiving the same.

The following substitute for said bill offered by the committee, was taken up, to-wit:

#### A BILL

To be entitled an act, to define and prohibit the unlawful giving, issuing, using or receiving free passes, rebates, reductions or discounts for transportation by common carriers of passengers, and to punish the unlawful giving, issuing, using or receiving the same.

Section 1. Be it enacted by the Legislature of Alabama, That no common carrier, whether a corporation, association, partnership or person engaged in the business of a common carrier of passengers in this State, or the agent, officer, servant or employee of such, shall give, procure for, or deliver to any person or accept any

free passes, tickets or free transportation for any person or give, make or allow any rebate, discount or reduction from such rates as are offered or given to the public at large, except to its employees and their families, its officers or agents, its surgeons and physicians, and its attorneys at law, and the immediate families of such persons, to ministers of religion, travelling secretaries of the Young Men's Christian Association, inmates of hospitals and charitable and eleemosynary institutions, and persons exclusively engaged in charitable and eleemosynary work, to indigent, destitute and homeless persons, and to such persons, when transported by such charitable societies and hospitals and the necessary agents employed in such transportation; to inmates of the National Home or State Home for disabled volunteer soldiers, and of soldiers and sailors home, including those about to enter, and those returning home after discharge, and boards of managers of such homes, necessary caretakers of live stock, poultry and fruit, to employees on sleeping cars and express cars, and to linemen of telephones and telegraph companies, to railway mail service employees, post office inspectors, custom inspectors, and immigration inspectors to news boys on trains, baggage agents, witnesses attending any legal investigation, in which the common carrier is interested, persons injured in wrecks who are being transported from the place of injury to their homes and places for treatment, and physicians and nurses attending such persons, and members of the railroad commission of Alabama and employees of such commission when traveling on official business. Provided, that this provision shall not be construed to prohibit the interchange of passes for the officers, agents and employees of common carriers and their immediate families, nor prohibit any common carriers from carrying passengers free with the object of providing relief in cases of general epidemic, pestilence or other calamitous visitation.

Section 2. Any common carrier, agent, servant, officer or employee of such common carrier, violating this act shall be deemed guilty of a misdemeanor, and shall



be indicted as such corporation, association, partnership or person, for each offense, on conviction, shall be fined not less than one hundred dollars, nor more than two thousand dollars or be imprisoned in the county jail, or sentenced to hard labor for the county for not more than six months, one or both at the discretion of the jury trying the case, and any person, other than the person excepted in this provision, who accepts or uses any such free tickets, free passes, or free transportation, rebate discount or reduction, shall be subject to a like penalty.

Section 3. Witnesses before the grand jury, summoned to give evidence of any violation of this law may be required to answer generally as to any such offense within their knowledge, committed within twelve months next preceding, without being specially interrogated as to any particular offense, but no witnesses shall be prosecuted for any offense as to which he testifies before the grand jury, and any member of the grand jury or solicitor may be a witness to prove this fact.

Section 4. Any person who is summoned to go before the grand jury to answer as to any violation of the law prohibiting free passes within his knowledge, and who fails and refuses to attend and testify in obedience to such summonses, without good cause, to be determined by the court, is guilty of a contempt of court, and also a misdemeanor and on conviction for such misdemeanor shall be fined not less than one hundred dollars, nor more than two thousand dollars, or be imprisoned in the county jail or sentenced to hard labor for the county for not more than six months, one or both, at the discretion of the jury trying the case.

Mr. Doster offered the following amendment to said substitute, to-wit:

Amend by adding after the words "Railroad Commissioners of Alabama" the words "when making official inspections only" so as to read "And Railroad Commissioners of Alabama, when making official inspections only, and employees of such commission when traveling on official business."

Which, on motion of Mr. Lusk, was laid on the table.  
Yeas, 18; nays, 13.

Yeas:

Messrs:

Barbour	Hamner	Merritt	Reid
Davis	Hayes	Miller	Reynolds
Gardner	Horton	McWhorter	Wilson
Glenn	Leith	Overton	Wimberly
Gunn	Lusk		

—18.

Nays:

Messrs:

Bayles	Hinson	Lowe	Teasley
Blackmon	Jones	Spragins	Thomas
Doster	King	Strother	White
Hamburger			

—13.

Mr. Bayles offered the following amendment to said substitute, to-wit:

Amend by inserting the words "Sheriffs of this State and their deputies" after the words "Attorneys at Law" and before the words, "to ministers of religion," where the same occurs in said bill.

Which, on motion of Mr. Overton was laid on the table.

Yeas, 19; nays, 12.

Yeas:

Messrs—

Barbour	Hayes	Merritt	Reynolds
Davis	Hinson	Miller	Strother
Gardner	Horton	McWhorter	Wilson
Gunn	Lowe	Overton	Wimberly
Hamner	Lusk	Reid	

—19.

Nays:

Messrs—

Bayles	Glenn	King	Teasley
Blackmon	Hamburger	Leith	Thomas
Doster	Jones	Spragins	White

—12.

Mr. Blackmon offered the following amendment to said substitute, to-wit:

Amend by adding the words "confederate soldiers and their widows, after the words baggage agents in line 24 of said bill."

Which on motion of Mr. Lusk was laid on the table.

Yeas, 20; Nays, 11.

Yeas:

Messrs—

Barbour	Hamner	Merritt	Spragins
Davis	Hinson	McWhorter	Strother
Gardner	Leith	Overton	Thomas
Glenn	Lowe	Reid	Wilson
Gunn	Lusk	Reynolds	Wimberly

—20.

Nays:

Messrs—

Bayles	Hamburger	Jones	Teasley
Blackmon	Hayes	King	White
Doster	Hinson	Miller	

—11.

Mr. Thomas offered the following amendment to said substitute, to-wit:

Amend by adding after the last word of section 3 the following, to-wit:

"And any Railroad Commissioner who rides on any uses such pass except when traveling on official business, shall be subject to a like penalty.

Which was withdrawn by him.

Mr. Blackmon offered the following amendment to said substitute, to-wit:

Amend by striking out the word 'immediate' where it occurs in line ten of said bill.

Which, on motion of Mr. Lusk was laid on the table.

Yeas, 23; Nays, 7.

Yeas:

Messrs—

Barbour	Hamner	Merritt	Spragins
Davis	Hayes	Miller	Strother
Gardner	Horton	McWhorter	Thomas
Glenn	Leith	Overton	Wilson
Gunn	Lowe	Reid	Wimberly
Hamburger	Lusk	Reynolds	

—23.

Nays:

Messrs:

Bayles	Doster	King	White
Blackmon	Hinson	Teasley	

—7.

Mr. Hamburger offered the following amendment to said substitute, to-wit:

Amend by adding section 5 to read as follows:

Section 5. Provided that nothing herein contained shall be construed as prohibiting the making of bonafide contracts between common carriers and newspapers recognized by the United States post office department, for exchange of transportation or mileage at the same rates offered to the public at large wholly or in part payment for advertising space in such newspapers at regular rates charged other advertisers.

Which, on motion of Mr. Lusk, was laid on the table.

Yeas, 25; nays, 6.

Yeas:

Messrs:

Barbour	Hayes	Merritt	Spragins
Bayles	Hinson	Miller	Strother
Davis	Horton	McWhorter	Teasley
Gardner	Leith	Overton	Thomas
Glenn	Lowe	Reid	Wilson
Gunn	Lusk	Reynolds	Wimberly
Hamner			

—25.

Nays:

Messrs:

Blackmon	Hamburger	King	White
Doster	Jones		

—6.

And the substitute offered by the committee was then adopted.

Yeas, 26; nays, 3.

Yeas:

Messrs:

Barbour	Gardner	Hamner	Horton
Davis	Glenn	Hayes	Leith
Doster	Gunn	Hinson	Lowe

Lusk	Overton	Strother	White
Merritt	Reid	Teasley	Wilson
Miller	Reynolds	Thomas	Wimberly
McWhorter	Spragins		

—26.

Nays:

Messrs:

Blackmon	Jones	King
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—3.

And the bill as amended was read a third time at length and passed.

Yeas, 28; nays, 1.

Yeas:

Messrs:

Barbour	Gunn	Lusk	Spragins
Bayles	Hamner	Merritt	Strother
Blackmon	Hayes	Miller	Teasley
Davis	Horton	McWhorter	Thomas
Doster	Jones	Overton	White
Gardner	Leith	Reid	Wilson
Glenn	Lowe	Reynolds	Wimberly

—28.

Nays: Mr. King—1.

## ORDER TO PRINT.

On motion of Mr. Hamner three hundred copies of H. 110. Relating to the preservation, propagation and protection of the fish of Alabama.

Was ordered printed for the use of the Senate.

## ADJOURNMENT.

At 1:45 p. m. on motion of Mr. Lusk, the Senate adjourned until 10:30 o'clock tomorrow morning.

## FOURTEENTH DAY.

Tuesday, January 29, 1907.

The Senate met pursuant to adjournment.

## PRAYER.

By Rev. Dr. Brooks Lawrence, of Birmingham.

## ROLL CALL.

Present:

Mr. President,

And Messrs:

Barbour	Hamburger	Lowe	Reynolds
Bayles	Hamner	Lusk	Spragins
Blackmon	Hayes	Merritt	Strother
Davis	Heacock	Miller	Teasley
Doster	Hinson	Moody	Thomas
Forrester	Horton	McWhorter	White
Gardner	Jones	Overton	Wilson
Glenn	King	Reese	Wimberly
Gunn	Leith	Reid	

—35.

## JOURNAL.

On motion of Mr. Gunn, the reading of the journal of yesterday was dispensed with and the same was approved.

~~PRIVILEGES OF THE FLOOR.~~

The privileges of the floor were extended to Messrs: W. R. Oliver, E. M. Robinson and J. A. B. Lovett, for today.

## INTRODUCTION OF BILLS.

On the call of the districts, bills were introduced, read and referred to appropriate standing committees, as follows:

By Mr. Lusk:

S. 206. To authorize and require the appointment of five commissioners to constitute a commission, to be known as "The Judiciary Commission" and prescribe the duties and powers thereof, and to fix the compensation of the members and employees thereof.

Judiciary.

By Mr. Spragins:

S. 207. To amend an act approved March 4, 1903, entitled an act to create a text book commission, and to procure for use in the public free schools in this State, a uniform series of text books; to define the duties and powers of said commission and other officers; to make an appropriation for the carrying into effect of this act; to provide punishment and penalty for the violation of the same.

Education.

By Mr. Gardner:

S. 208. To amend section 111 of the code of 1896, administrator de bonis non or cum testamento annexo; when appointed.

Judiciary.

By Mr. Gardner:

S. 209. To amend section 3384 of the Code of Alabama.

Judiciary.

By Mr. Merritt:

S. 210. To provide for the appointment of a joint committee to read and revise the manuscript of the new code prepared by Hon. James J. Mayfield and to prescribe its powers and duties and to fix the compensation of the committee and clerks and provide for their pay and expenses.

Judiciary.

By Mr. Barbour:

S. 211. To amend section 4722 of the Code of 1896.  
Revision of Laws.

By Mr. Leith:

S. 212. To provide a time for the signing bills of exceptions of appeals to the supreme court and proof

of time of signing same and filing of the same with the clerk of the court.

Judiciary.

By Mr. Leith:

S. 213. To amend section 2942 of the Code of Alabama of 1896.

Judiciary.

By Mr. Spragins:

S. 214. To amend section 2450 (1394) of the Code of Alabama of 1896.

Revision of Laws.

By Mr. Blackmon:

S. 215. To require all cotton mills throughout the State to erect, construct and maintain adequate fire escapes on all buildings in which they do business in this State, and fix their liability and provide the punishment, for a violation of the provisions of this act.

Judiciary.

By Mr. Overton:

S. 216. To provide for the assessment and collection of privilege taxes against express companies.

Commerce and Common Carriers.

By Mr. Overton:

S. 217. To provide for the assessment and collection of privilege taxes against sleeping car companies.

Commerce and Common Carriers.

#### REPORTS OF COMMITTEES.

The following bills were returned to the Senate from committees each having been acted upon by the respective standing committees in session, as, in each case, stated below, and were read a second time, to-wit:

Mr. Bayles, from the Committee on Revision of Laws, favorably (with amendment):

S. 152. To have codified and published the local acts or laws relating to the several counties of this State.

Mr. Miller, from Committee on Finance and Taxation, favorably:

H. 329. To appropriate the sum of eight thousand



seven hundred and thirty-four dollars and fifty-seven cents (\$8,734.57) for the relief of the First National Bank of Montgomery, Ala.

Mr. Hamner, from Committee on Banking and Insurance, favorably (with amendment) :

S. 160. To authorize the placing by State and county officers of State funds in banks or trust companies, designated by the governor as State depositories, and to provide for such designation, the security of such funds and the regulation and duties of such depositories.

Mr. Overton, from Committee on Commerce and Common Carriers, favorably (with amendment) :

S. 17. To provide the manner in which any person, company or corporation owning or operating as a common carrier any railroad in whole or in part in this State may contest the validity, or reasonableness and fairness of any maximum rate established by statute to be charged by railroads for the transportation, originating and terminating within the State of articles, and have the same annulled or the enforcement thereof enjoined or restrained.

Mr. Wimberly, from Committee on Public Health, favorably :

S. 132. To provide for the sale of certain narcotic drugs.

Mr. McWhorter, from Committee on Temperance, favorably :

S. 191. To prohibit and punish the selling, bartering or exchanging of spirituous, vinous or malt liquors in the county of Madison, after the first day of March, 1907, except in the dispensary for said county, located in the city of Huntsville.

Mr. King, from Committee on Game, Fish and Forestry Preservation, favorably (with amendment) :

H. 111. Relating to the preservation, propagation and protection of game animals, wild birds and fish; establishing the department of game and fish, creating the office of State game and fish commissioner; and providing for his election and compensation; creating the offices of county game and fish warden, and deputy game

and fish warden and providing for their appointment and compensation; creating a game and fish protection fund and appropriating moneys therefrom.

Mr. Spragins, from Committee on Engrossed bills, made the following report which was adopted:

The Committee on Engrossed bills report that they have examined the engrossed copies of Senate bills numbered 40, 72, 80 and 82, compared them with the original bills respectively and found them to be correct.

Robert E. Spragins, Chairman.

January 29, 1907.

Mr. Merritt, from the Committee of the two Houses, raised to consider the question of the proper disposition to be made of the manuscript of the new Code, made the following report, which was ordered spread upon the Journal.

To the President of the Senate:

The joint committee, raised to consider the question of the proper disposition to be made of the manuscript of the new Code, having had the matter under consideration, respectfully submit herewith, and recommend its passage, a bill, to be entitled an act to provide for the appointment of a joint committee to read and revise the manuscript of the new Code, prepared by Hon. James J. Mayfield, and to prescribe its powers and duties and fix the compensation of the committee and clerks and to provide for their pay and expenses.

H. P. Merritt.

J. A. Lusk.

J. M. Foster.

O. C. Maner.

Sam'l Will John.

A. H. Carmichael.

Mr. Gardner, from the Committee on Rules, favorably (with amendment):

H. J. R. 17. Memorializing Congress to refund to the people of Alabama the cotton tax illegally collected from them under an act of Congress which was declared unconstitutional and which said money is now in the treasury of the United States.

The following amendment offered by said committee was adopted :

House Joint Resolution No. 17.

Amendment proposed by committee on Rules.

Add after the words "tax money" in line 13 of resolution, these words "the claims to which are not attempted to be established."

Add after the words "United States" in line 14 of resolution the following words, "Provided, however, that opportunity be first given to any person or persons having claim as to such monies to establish their claim before the proper authorities."

And the said joint resolution as thus amended was concurred in.

#### RESOLUTIONS.

Mr. Spragins offered the following Senate Joint resolution :

S. J. R. 35. Resolved by the Senate, the House concurring, that the Legislature of Alabama adjourn today at twelve o'clock and that the members thereof do immediately assemble in the hall of the House of Representatives to hear Governor Heyward, of South Carolina, who has heretofore been invited to address the Legislature on this day on the subject of immigration.

Which, under a suspension of the rules, was adopted.

#### SPECIAL ORDERS.

On motion of Mr. Reynolds, Senate Bill

S. 2. To prescribe the measure of damages for loss, destruction or injury to or failure to deliver goods by common carriers and to regulate the collection thereof.

Was made a continuing paramount special order for 11:15 o'clock today.

On motion of Mr. Strother, Senate bill No. 16

S. 16. To fix and establish the maximum rates to be charged by railroads now operating or which may hereafter operate, as common carriers in whole or in part in

the State of Alabama, for the transportation, originating and termination within this State, of certain articles, and for this purpose to classify said articles and said railroads.

Was made a continuing, paramount exclusive special order for 11:30 o'clock tomorrow.

On motion of Mr. Gunn, Senate bill

S. 15. To make the present railroad rates of freight and fare for the transportation, originating and terminating within this State, of freight and passengers the maximum rates.

Was made a special, paramount order for 11:30 o'clock today.

On motion of Mr. Reid, Senate bill

S. 18. To prevent any officer, agent or employee of any person, company or corporation owning or operating as a common carrier any railroad in whole or in part in this State, from charging or receiving for the transportation, originating and terminating within the State, of any article a greater or higher rate of compensation than that established by statute where a rate for the transportation of such article has been established by statute, or from refusing to receive such article for transportation at the rate established by statute.

Was made a paramount continuing special order for 12 o'clock tomorrow.

On motion of Mr. Leith, Senate bill

S. 75. To amend section 2926 of the Code of Alabama.

Was made a continuing, paramount special order for 12 o'clock Friday, and 300 copies of said bill were ordered printed for the use of the Senate.

On motion of Mr. Gardner, Senate bill

S. 106. To require and authorize the railroad commission to prescribe rules, regulations and requirements for the issuance and use of interchangeable mileage tickets and coupon tickets on and over lines of transportation of common carriers of passengers in this State, and punish any violation of such orders, rules, regulations and requirements.

Was made a continuing, paramount special order for 12:30 o'clock p. m. on tomorrow.

On motion of Mr. Reynolds, Senate bill

S. 90. To provide for the attendance of certain children of this State on the public schools of said State, and to provide for the enforcement of said law, and to fix a penalty for the violation thereof.

Was made a continuing, paramount special order for 12:30 o'clock p. m. on Monday next, and 300 copies were ordered printed for the use of the Senate.

#### MESSAGE FROM THE HOUSE.

The House has concurred in the S. J. R. No. 9 memorializing Congress to pass a law making it illegal for any collector of internal revenue to grant license to sell liquor in this State where the sale of such liquors is illegal.

Cyrus B. Brown, Clerk.

#### BILLS ON THIRD READING.

The bill:

H. 269. To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, for the interest on the public debt and for public schools.

Was taken up.

The following amendment offered by the committee to-wit:

Amend section 1 by striking out sub-section 13, section 1 the word "seventy" and inserting in lieu thereof the word "seven."

Further amend section 1 by adding at the end of sub-sections 41 and 42 in words and figures as follows: 41. For the compensation of the State tax commissioner twenty-four hundred dollars for each year. 42. For the compensation of the commissioner of agriculture and industries twenty-five hundred dollars for each year, for the compensation of two clerks in the office of commissioner of agriculture and industries, one at fifteen hundred for each year and one at twelve hundred for each year.

Was adopted.

Yeas, 28; nays, 1.

Yeas :

Messrs :

Barbour	Hamburger	Lowe	Reid
Bayles	Hamner	Lusk	Reynolds
Davis	Hayes	Merritt	Strother
Doster	Heacock	Miller	Teasley
Gardner	Hinson	Moody	Thomas
Glenn	Horton	Overton	White
Gunn	Jones	Reese	Wilson

—28

Nays: Mr. Leith—1.

And the bill as thus amended

Was read a third time at length and passed.

Yeas, 30; nays, 0.

Yeas :

Messrs :—

Barbour	Gunn	Lusk	Reynolds
Bayles	Hamner	Merritt	Strother
Davis	Hayes	Miller	Teasley
Doster	Heacock	McWhorter	Thomas
Forrester	Jones	Overton	White
Gardner	King	Reese	Wilson
Glenn	Leith	Reid	Wimberly.

—30.

#### SPECIAL ORDER.

The hour of 11:15 o'clock having arrived, the Senate proceeded to consider the special order for this hour, which was:

**S. 2. To prescribe the measure of damages for loss, destruction or injury to or failure to deliver goods by common carriers and to regulate the collection thereof.**

The following substitute offered by the committee on commerce and common carriers, to-wit:

#### A BILL

#### TO BE ENTITLED AN ACT

To prescribe the measure of damages for loss, destruc-

tion or injury to or failure to deliver goods by common carriers and to regulate the collection thereof.

Section 1. Be it enacted by the Legislature of Alabama, That in all cases of loss, destruction, injury or delay in delivering or failure to deliver property, chattels or goods of any character, to the person entitled thereto, by a common carrier, having received the same for shipment in accordance with the contract of shipment, such common carrier shall be liable to the person having the title to such property, chattels or goods, when lost or destroyed, for the market value of such chattels, property or goods, at the place of destination, at the time and in the condition they should have been delivered with interest from the time they should have been delivered, and where injuries for the damages caused thereto, less the amount of freight charges due for their transportation, with interest from the time they should have been delivered uninjured. And in case of delay beyond a reasonable time the difference in the value of the goods when they should have been delivered and their value when delivered with interest, if said goods have declined in value.

Section 2. That when any property, chattels or goods have been received by any common carrier for transportation, and such goods, chattels or property shall be lost, destroyed or injured, or shall not be delivered, according to the contract of shipment, the shipper, consignor, consignee or other person entitled to demand and receive them, shall make out an itemized statement of the goods, property or chattels so lost, destroyed or injured, or not delivered, setting forth the kind of articles, and the number thereof, and the value and the extent or amount of damages, and shall after making, subscribing and swearing to the same before an officer authorized to administer an oath, deliver the same to said common carrier, agent, officer of said common carrier so receiving said shipment, within sixty days after said loss, destruction, injury or failure to deliver such goods, property or chattels.

Section 3. That when such verified statement of such loss, destruction, injury or failure to deliver, shall be delivered to such common carrier, or officer, agent of such common carrier, it shall be the duty of such common carrier, if such property, goods or chattels, were lost, destroyed, not delivered or injured by said common carrier, or the agent, officer of such common carrier, to pay or tender to such person so presenting such claim, if he be the one entitled thereto, the value of said property, goods, or chattels, so lost or destroyed, or not delivered, or the amount of the damage or injury to such property, goods or chattels, within thirty days from the date of such delivery, of such verified claim therefor.

Section 4. That if the value of such goods, property or chattels so lost, destroyed, or not delivered, or the amount of damages or injury, where injured, shall not be paid or tendered to such person entitled thereto, so presenting such verified claim therefor, within the time above prescribed, such person, may, on suing therefor on making proof of such shipment, and loss or destruction, failure to deliver, or injury to such goods, chattels or property, and the due presentation of such verified claim, or demand for the value of, or damage to such goods, property or chattels, and that such claim was not for more than such value or injury, and the failure of such common carrier to pay for the same within sixty days, from the making of such demand, recover from the said common carrier, four fold damage, suffered by reason of such loss, destruction or injury, "unless such loss, destruction or injury is the result of the act of public enemies or the act of God." "Where the amount of such damage does not exceed twenty-five dollars, and two fold damages with interest where the amount of such damages exceeds twenty-five dollars and does not exceed one hundred dollars and where the damages exceed one hundred dollars and do not exceed two hundred and fifty dollars, one and one-half times the amount of such damages with interest and where the damages exceed two hundred and fifty dollars and do not exceed \$500 one and one-fourth times the amount of such damages with in-



terest and where the damages exceed five hundred dollars, one and fifteen one-hundredths times the amount of such damages with interest."

Section 5. That a failure to make such verified claim for such loss, destruction or injury, shall not forfeit the right of the person entitled thereto to sue and recover such loss, destruction or injury, but unless such claim is duly made as herein required, only the value of such property, or the injury suffered shall be recovered.

Section 6. That all suits brought under this act shall be brought within one year after the making of said written demand.

Was adopted.

Yeas, 29; nays, 2.

Yeas:

Messrs:—

Barbour	Hamner	Leith	Reese
Davis	Hayes	Lusk	Reid
Doster	Heacock	Merritt	Strother
Forrester	Hinson	Miller	Teasley
Gardner	Horton	Moody	Thomas
Glenn	Jones	McWhortier	White
Gunn	King	Overton	Wilson
Hamburger			—29.

Nays:

Messrs. Bayles and Blackmon—2.

And the bill as thus amended was read a third time at length and passed.

Yeas, 29; nays, 1.

Yeas:

Messrs:—

Barbour	Hamburger	King	Reese
Bayles	Hamner	Leith	Reid
Davis	Hays	Lusk	Strother
Doster	Heacock	Miller	Teasley
Forrester	Hinson	Moody	Thomas
Gardner	Horton	McWhorter	White
Glenn	Jones	Overton	Wilson
Gunn			—29.

Nays:

Mr. Blackmon, 1.

The hour of 11:30 o'clock having arrived, the Senate proceeded to consider the special order for this hour, which was:

S. 15. To make the present rates of freight and fare for the transportation, originating and terminating within this State, of freight and passengers the maximum rates.

And the bill was read a third time at length and passed.

Yeas, 26; nays, 0.

Yeas:

Messrs:—

Bayles	Hamburger	Merritt	Reynolds
Davis	Hamner	Miller	Strother
Doster	Heacock	McWhorter	Teasley
Forrester	Hinson	Overton	Thomas
Gardner	Jones	Reese	White
Glenn	Leith	Reid	Wilson
Gunn	Lusk		

—26.

The bill:

S. 154. To define and regulate public warehouses for the storage of cotton for compensation, and to provide a punishment for the violation of the provisions of this act.

Was taken up.

Mr. Gunn offered the following amendment:

“Provided that this shall not apply to warehouses situated on railroads, rivers, lakes or streams of water for the storage of cotton, for shipment only.”

And pending the consideration of which,

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in the Senate amendments to the H. J. R. No. 17, “Petitioning Congress for the return to the State of Alabama its proportionate share of the cotton tax unlawfully collected by the Federal government.”

And

The House has concurred in the Senate amendments

to the bill, H. 269, To make appropriations for the ordinary expenses for the executive, legislative and judicial departments of the State, for the interest on the public debt and for public schools.

And has concurred in the Senate joint resolution relative to the adjournment of the two Houses at 12 o'clock today to hear the address of Gov. Heyward of South Carolina on immigration.

Cyrus B. Brown,  
Clerk.

#### ADJOURNMENT.

At 12 o'clock m. the Senate, on motion of Mr. Spragins, adjourned until 10:30 o'clock tomorrow morning.

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### FIFTEENTH DAY.

Wednesday, January 30, 1907.

The Senate met pursuant to adjournment.  
Prayer by Rev. Dr. Dix of the city.

#### ROLL CALL.

Present:

Mr. President,

And Messrs:

Barbour	Gunn	Leith	Reese
Bayles	Hamburger	Lowe	Reid
Blackmon	Hamner	Lusk	Reynolds
Davis	Hayes	Merritt	Strother
Doster	Heacock	Miller	Teasley
Forrester	Horton	Moody	Thomas
Gardner	Jones	McWhorter	White
Glenn	King	Overton	Wilson

## JOURNAL.

On motion of Mr. Barbour, the reading of the journal of yesterday was dispensed with, and the same was approved.

## PRIVILEGES OF THE FLOOR.

The privileges of the floor were extended to Messrs. W. C. Oates, Mr. Tidwell, T. A. Long, Dr. Hicks, W. S. White, James Ballentine, Jno. T. Hale for today, and to Judge Disque for today and tomorrow.

## LEAVE OF ABSENCE.

Mr. Wimberly was granted a leave of absence for today.

## INTRODUCTION OF BILLS.

On the call of the districts, bills were introduced, read and referred to appropriate standing committees, as follows:

Mr. Hamner:

S. 218. To regulate the sale or exchange of illuminating oils, and to provide penalties for the violation of such rules and regulations as may be thus established for such sale or exchange.

Judiciary.

Mr. Reid:

S. 219. To provide for the revocation of the license or right to engage in or carry on, the business of the transportation, originating and terminating in this State, of freight or passengers of any foreign corporation which is now engaged or which may hereafter engage in such business, or the business of common carriers in this State, in the event such corporation shall for any of the purposes specified in this act, institute in any Federal court any suit or proceeding or shall remove or cause to be removed to any Federal court any suit or proceeding instituted in any State court for any of the purposes specified in this act.

Judiciary.

Mr. Barbour :

S. 220. To repeal section sixteen of an act to establish a uniform system for the examination and licensing of teachers of public schools, approved February 10th, 1899, amended February 8th, 1901.

Education.

Mr. Barbour :

S. 221. To amend section seventeen of an act to establish a uniform system for the examination and licensing of teachers of public schools, approved February 10th, 1899; amended February 8th, 1901.

Education.

Mr. Horton :

S. 222. Providing for the survey and analysis and classification of soils of the State.

Agriculture.

S. 223. Making it a misdemeanor to sell, give away, or otherwise dispose of, in Mobile county, within three miles of section nine, township two, north, range one, east, spirituous, vinous or malt liquors or other intoxicating bitters or beverages.

Temperance.

(With notice and proof as follows) :

The State of Alabama, }  
Mobile County. }

Personally appeared before me, W. J. Goodman, a notary public, in and for the State and county aforesaid, Thomas B. Allman, who being by me first duly sworn, deposes and says: That he is the cashier of the Daily Herald, a newspaper published in Mobile county, Alabama, and that the following notice was published once a week for four consecutive weeks in said newspaper, beginning January 3rd, 1907, viz. :

"NOTICE.

"Notice is hereby given that a bill will be introduced at the next session of the Legislature making it a misdemeanor to sell, give away or otherwise dispose of, in Mo-

bile county, spirituous, vinous or malt liquors, or intoxicating bitters or beverages within three miles of section nine, township two, north, range one, east.

Thomas B. Allman.

Subscribed and sworn to before me this 29th day of January, 1907.

William J. Goodman,

Notary Public, Mobile County, Alabama.

Mr. Thomas:

S. 224. To amend section 2301 of the code of Alabama.  
Revision of Laws.

#### REPORTS OF COMMITTEES.

The following bills were returned to the Senate from committees, each having been acted upon by the respective standing committees in session, in each case, stated below, and were read a second time, to-wit:

By Mr. Hamner, from the committee on banking and insurance, favorably (with amendment):

S. 149. To further regulate the writing of insurance against fire and other destructive agencies in this State.

By Mr. Doster, from committee on corporations, favorably (with amendment):

S. 86. To further regulate the doing of business in the State of Alabama by foreign or non-resident corporations or corporations organized under or by authority of the law of any other State or government than the State of Alabama.

By Mr. Merritt, from committee on local legislation, favorably:

**S. 137. Providing that no license or taxes of any character shall be required by the State, county or municipality from the Central Alabama Fair Association, or from those who conduct business under contract with it on its grounds during the time its annual fair is actually in progress.**

Also:

S. 184. To amend section 1, of an act entitled an act, to incorporate the town of West Blockton, Bibb county,

Alabama, so far as said section relates to the boundary lines of said town, approved March 4th, 1901.

Also:

S. 190. To make the judge of the city court of Montgomery and the associate judge of the city court of Montgomery, elective by the people.

Also:

H. 84. To convert the surplus money of the fine and forfeiture fund of Choctaw county, Alabama, into a special court house fund and to provide for the disbursement of the same.

By Mr. Reynolds, from committee on education, favorably:

S. 155. To amend an act entitled an act to amend section 3602 of the code of Alabama, approved September 9th, 1905.

By Mr. Overton, from committee on commerce and common carriers, favorably (with amendment):

S. 44. To create a commission known as "The Railroad Commission of Alabama; define its duties and powers and provide mode of procedure, and prescribe penalties for violation of its orders."

By Mr. McWhorter, from committee on temperance, favorably:

S. 107. To prohibit the sale, barter, or transfer for profit, either direct or indirect, of any spirituous, vinous or malt liquors, or other intoxicating drinks or beverages in Etowah county, in this State, outside the corporate limits of incorporated cities and towns.

Also, (with amendment):

S. 180. To prohibit the sale, barter, exchange or other disposition of spirituous, vinous or malt liquors or intoxicating beverages, tonics, or decoctions within the limits of Faunsdale precinct, in Marengo county, Alabama, except at the dispensary in the town of Faunsdale.

By Mr. McWhorter, from the committee on public health, favorably (with amendment):

S. 61. To establish a colony for epileptics in Alabama and to provide means for carrying same into effect.

And on motion of Mr. Miller, said bill was committed to the committee on finance and taxation.

Mr. Spragins, from the committee on engrossed bills, made the following report, which was adopted and ordered spread upon the journal, to-wit:

The committee on engrossed bills report that they have examined the engrossed copies of Senate bills, numbered 2, 7, 15, 94, 118 and 128, compared them with the original bills respectively and found them to be correct.

Robt. E. Spragins,  
Chairman.

Jan. 30, 1907.

Mr. Smith, from the committee on revision of the journal, submitted the following report which was adopted and ordered spread upon the journal:

Mr. President:

We, the committee on revision of journal, have examined the journal for the legislative days 12th, 13th and 14th, inclusive, and find the same to be correct.

M. L. Leith,  
Chairman.

#### REPORT FROM RULES COMMITTEE.

Mr. Gardner, from the committee on rules, favorably:

S. J. R. 31. Resolved, by the Senate, the House concurring, that a committee of five, consisting of two from the Senate and three from the House, be appointed by the President of the Senate and Speaker of the House, respectively, to visit the Alabama Boys' Industrial School and investigate and report the condition and needs of that institution.

Which, upon a suspension of the rules, was adopted, and the President appointed as committee on the part of the Senate, Messrs. Doster and Wilson.

Also favorably:

H. J. R. No. 15, Resolved, by the House, the Senate concurring, that we endorse the action of President Roosevelt in dismissing the three companies of the 25th



regiment of United States colored troops for their acts of outlawry in Brownsville, Texas, which resulted in the wounding and assassination of defenseless citizens.

Resolved, further, That we believe this action by the President was clearly within his authority, as commander-in-chief of the army and navy of the United States, and the only means he could adopt to free the army from insubordination, outlawry and violence, and maintain military discipline.

Resolved, further, That we request our Senators and Representatives in Congress assembled to sustain the President in such action, because he was right, and we believe, prompted solely by a high and worthy patriotism.

Mr. Miller moved to recommit in said resolution, pending the consideration of which the Senate proceeded to the consideration of the unfinished business of yesterday.

#### UNFINISHED BUSINESS.

The Senate then proceeded to consider the unfinished business of yesterday, which was:

The bill:

S. 154. To define and regulate public warehouses for the storage of cotton for compensation, and to provide a punishment for the violation of the provisions of this act.

The amendment offered by Mr. Gunn was considered and on motion of Mr. Moody, the further consideration of said bill and amendment was postponed until tomorrow.

#### SPECIAL ORDER.

The hour of 11:30 o'clock having arrived, the Senate proceeded to consider the special order for this hour, which was:

S. 16. (With amendment.) To fix and establish the maximum rates to be charged by railroads now operating or which may hereafter operate, as common carriers in whole or in part in the State of Alabama, for the

transportation, originating and terminating within the State, of certain articles, and for this purpose to classify said articles and said railroads.

The amendment offered by the committee, as follows, to-wit: "Strike out of section 4 the words 'or roads not under the same management or control' in second and third lines of paragraph 9 of original bill," was adopted.

Yeas, 24; Nays, 0.

Yeas:

Messrs:—

Barbour	Glenn	Lusk	Reid
Bayles	Gunn	Merritt	Reynolds
Davis	Hamburger	Miller	Spragins
Doster	Hamner	McWhorter	Strother
Forrester	Heacock	Overton	White
Gardner	Leith	Reese	Wilson

—24.

Mr. Reid offered the following amendment, to-wit:

"Amend section 1, by striking out of class three in said section 1, the following: 'And the Atlanta, Birmingham & Atlantic Railroad,' and by adding to class four in said section 1 the following: 'and the Atlanta, Birmingham & Atlantic Railroad.'"

Which was adopted.

Yeas, 31; Nays, 0.

Yeas:

Messrs:—

Bayles	Hamburger	Lusk	Reynolds
Blackmon	Hamner	Merritt	Spragins
Davis	Heacock	Miller	Strother
Doster	Hinson	Moody	Tasley
Forrester	Jones	McWhorter	Thomas
Gardner	King	Overton	White
Glenn	Leith	Reese	Wilson
Gunn	Lowe	Reid	

—31.

Mr. Jones offered the following amendment, to-wit:

To amend Senate bill 16, by striking out section 9 and substituting therefor the following:

Section 9. But the provisions of this act shall not take effect and be operative until, in the judgment of the railroad commission, the income of the several railroads shall be sufficient to enable them, after paying interest, taxes, and all expenses, and the cost of maintenance and betterments, to declare a semi-annual dividend of two and one-half per cent on their common stock.

Which, on motion of Mr. Overton, was laid on the table.

Mr. Hinson offered the following amendment, to-wit:

To amend section 2, by striking out all of the said section following the word "stock" in the 7th line of the printed bill and inserting in lieu thereof the following: "Shall be governed, in making of its rates, by the railroad commission."

Which on motion of Mr. Overton, was laid on the table.

Yeas, 21; nays, 8.

Yeas:

Messrs:—

Davis	Hamner	McWhorter	Spragins
Doster	Hayes	Overton	Strother
Gardner	Leith	Reese	Thomas
Glenn	Lusk	Reid	White
Gunn	Merritt	Reynolds	Wilson
Hamburger			

—21.

Nays:

Messrs:—

Blackmon	Heacock	Jones	Moody
Forrester	Hinson	King	Teasley

—8.

Mr. Blackmon offered the following amendment, to-wit:

Amend section six so as to read as follows:

Sec. 6. The railroad commission of Alabama is hereby authorized to classify any new railroad that may hereafter be constructed or operated as a common carrier, in whole or in part in this State." Which was subsequently withdrawn by him.

Mr. Moody offered the following amendment, to-wit:

To amend Senate bill 16, by striking out section 9 and substituting therefor the following:

Section 9. But the provisions of this act shall not take effect and be operative until, in the judgment of the railroad commission, the income of the several railroads shall be sufficient to enable them, after paying interest, taxes and all expenses, and the cost of maintenance and betterments, to declare a semi-annual dividend of one per cent. on their common stock.

Which on motion of Mr. Overton was laid on the table.

Yeas, 20; nays, 11.

Yeas:

Messrs:—

Davis	Hamner	Lusk	Reid
Doster	Hayes	Merritt	Reynolds
Gardner	Horton	McWhorter	Strother
Glenn	Leith	Overton	White
Gunn	Lowe	Reese	Wilson

—20.

Nays:

Messrs:—

Bayles	Hamburger	Jones	Spragins
Blackmon	Heacock	King	Teasley
Forrester	Hinson	Moody	

—11.

Pending the further consideration of said bill

MESSAGE FROM THE HOUSE.

Mr. President:

The House has passed the following Senate bills:

**S. 47.** To fix the time of holding the city court of Montgomery.

**S. 53.** To create the office of deputy solicitor for Dallas county, define his duties and fix his compensation.

Cyrus B. Brown,  
Clerk.

SPECIAL ORDER SET.

On motion of Mr. King, H. 111,  
Mr. Steagall (With amendment:

Relating to the preservation, propagation and protection of game animals, wild birds and fish; establishing a department of game and fish, creating the office of State game and fish commissioner, and providing for his election and compensation; creating the offices of county game and fish warden, and deputy game and fish warden and providing for their appointment and compensation; creating a game and fish protection fund and appropriating money therefrom.

Was made a continuing paramount special order for 1 o'clock p. m. Monday, Feby. 4th.

On motion of Mr. Jones, S. 131,

Mr. Jones, (from an adverse report from committee on constitution, constitutional revision and amendment) :

S. 131. To submit to the qualified electors of the State at the general election to be held on the first Tuesday after the first Monday in November, 1908, for two associate justices of the supreme court, for their consideration an amendment to sections 46 and 48 of article 4 of the constitution so as to provide for biennial sessions of the Legislature.

Was made a special order for 12 o'clock m. on Tuesday, February 5th.

#### MESSAGE FROM THE HOUSE.

Mr. President :

The Speaker of the House having signed the following House bill, your signature thereto is requested :

H. 269. To make appropriation for the ordinary expenses for the executive, legislative and judicial departments of the State, for the interest on the public debt and for public schools.

Cyrus B. Brown,  
Clerk.

#### HOUSE MESSAGE.

On motion of Mr. Thomas, the reading at length, before signing of the House bill No. 269 (the title of which

is set out in the foregoing message from the House) was dispensed with. Yeas, 27; nays, 1.

Yeas:

Nays, Mr. Leith—1.

#### SIGNING OF BILLS.

The President of the Senate, in the presence of the Senate, immediately after its title had been publicly read by the secretary, signed the above House bill, the title of which is set out in the foregoing message from the House, the reading at length having been dispensed with by a two-thirds vote of a quorum of the Senate present as above shown.

#### RECESS.

At 2 o'clock p. m. the Senate on motion of Mr. Lusk took a recess until 3:30 o'clock p. m. this afternoon.

#### AFTERNOON SESSION.

The Senate re-assembled at 3:30 o'clock p. m.

#### ROLL CALL.

Upon the call of the roll a quorum was present.

#### REPORT FROM COMMITTEE ON ENGROSSED BILLS.

**Mr. Spragins, from committee on engrossed bills,** made the following report, which was adopted and ordered spread upon the journal:

Mr. President:

The committee on engrossed bills report that they have examined the engrossed copy of Senate bill No. 29, compared it with the original bill and found it to be correct.

Robt. E. Spragins,  
Chairman.

## REPORT FROM COMMITTEE ON ENROLLED BILLS.

Mr. Moody, from the committee on enrolled bills, submitted the following report:

Mr. President:

The committee on enrolled bills have examined and compared,

S. 53. To create the office of deputy solicitor for Dallas county, define his duties and fix his compensation.

And find the same correctly enrolled. 1-30-07.

Frank S. Moody,  
Chairman of Committee on Enrolled Bills.

## SIGNING OF BILL.

The President of the Senate, in the presence of the Senate, immediately after it had been publicly read at length by the secretary, signed the above Senate bill, the title of which is set out in the foregoing report from the committee on enrolled bills.

## MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bills:

H. 325. To amend section 1876 of the code.

And sends the same to the Senate.

H. 114. To prohibit the sale, barter or exchange of vinous, spirituous, or malt liquors or intoxicating biters, or beverages, at any place in the county of Etowah except within the corporate limits of the cities of Gadsden and Attalla.

And sends the same to the Senate with notice and proof attached and herewith exhibited, as follows:

## NOTICE.

A bill will be introduced at the coming session of the Legislature for the purpose of prohibiting the sale, barter or exchange of spirituous, vinous or malt liquors, or

intoxicating beverages, in the county of Etowah, except within the corporate limits of the cities of Gadsden and Attalla.

The State of Alabama, }  
Etowah County. }

Before me, J. W. Penn, judge of probate of said county, personally appeared Charles E. Meeks, who being duly sworn, says on oath that the above notice was and has been published once a week, for four consecutive weeks, in The Gadsden Daily Times-News, a newspaper published in said county and State, and that said Charles E. Meeks is the treasurer and general manager of said newspaper.

Chas. E. Meeks.

Sworn to and subscribed before me this the 12 day of January, 1907.

J. W. Penn,  
Judge of Probate.

H. 277. To repeal an act to change the court of county commissioners of Calhoun county, to appoint a President thereof and define his duties; and to relieve the probate judge of said county of all duties and powers in connection therewith, approved December 13th, 1900.

And sends the same to the Senate with notice and proof attached and herewith exhibited as follows:

#### NOTICE.

The Legislature will be asked to enact the following law, to-wit:

#### AN ACT.

An act to repeal an act to change the court of county commissioners of Calhoun county, to appoint a president thereof and define his duties; and to relieve the probate judge of said county of all duties and powers in connection therewith, approved December 13, 1900.

Section 1. Be it enacted by the Legislature of Alabama, That an act entitled "An act to change the court of county commissioners of Calhoun county, to appoint a president thereof and define his duties; and to relieve the probate judge of said county of all duties and powers in connection therewith, approved December 13, 1900," be and the same is hereby repealed.



Section 2. Be it further enacted, That this law shall take effect immediately upon its passage.

Section 3. Be it further enacted, That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

The State of Alabama, }  
Calhoun County. }

Before me Hugh Walker, a notary public in and for said State and county, personally appeared T. R. Gordon, who being by me duly sworn deposes and says: That he is the editor of the Anniston Evening Star, a newspaper published in Calhoun county, Alabama, and that the notice, a copy of which is hereto attached, was published in the said Anniston Evening Star once a week for four consecutive weeks, on the following dates, to-wit: December 31st, 1906, December 24th, 1906, December 17th, 1906, and December 10th, 1906.

T. R. Gordon.

Sworn to and subscribed before me the 12th day of January, 1907.

Hugh Walker,  
Notary Public.

H. 402. To provide for two janitors for the court house of Montgomery county.

And sends the same to the Senate with notice and proof attached and herewith exhibited as follows:

#### NOTICE.

Notice is hereby given that a bill will be introduced in the next Legislature of Alabama, to authorize the sheriff of Montgomery county to employ two janitors for the court house of said county at a salary not to exceed thirty dollars per month each. Said salary to be paid out of the treasury of said county.  
12-29-oaw-4t.

The State of Alabama, }  
Montgomery County. }

Before me, Ruth Beale, a notary public in and for

said county in said State, personally appeared Brame Hood, who being duly sworn deposes and says on oath; that he is the advertising manager for the Montgomery Journal, a newspaper published in the city of Montgomery, Alabama; and that the attached notice of the intention to pass an act through the Legislature of Alabama to provide two janitors for the court house of Montgomery county, has appeared in said Montgomery Journal for four consecutive weeks, to-wit, on the 29th day of December, 1906, on the 5th day of January, 1907, on the 12th day of January, 1907, and on the 19th day of January, 1907.

Brame Hood.

Sworn to and subscribed before me this the 22nd day of January, 1907.

Ruth Beale,  
Notary Public.

H. 76. To regulate the trial and proceedings in criminal cases for the violations of the special or local prohibition law for Bibb county, Alabama.

And sends the same to the Senate with notice and proof attached and herewith exhibited as follows:

#### LEGAL NOTICE.

Notice is hereby given, that at the next session of the Legislature of the State of Alabama, a bill will be introduced and an application will be made for its passage, providing for the trial and all other proceedings incident to the disposition thereof by the circuit court of Bibb county, Alabama, of all cases pending or on file on the date of the approval of said bill or which may be instituted by indictment or otherwise after the approval of said bill, for selling, giving away or otherwise disposing of spirituous, vinous or malt liquors without a license and contract to law within the limits of said county: or for violation of the special prohibition law for Bibb county. And all cases pending or on file on the date of the approval of said bill, or which may be instituted by said indictment or otherwise after the date

of the approval of said bill against any person for carrying a pistol concealed about the person within the limits of said county, to give the circuit court of said county jurisdiction of said cases to remove the jurisdiction of said cases from the county court of said county to the circuit court of said county, and providing for the payment of all solicitors fees arising from said cases to the county treasurer of Bibb county.

Given this December 11th, 1906.

Jerome T. Fuller,  
Representative for Bibb County.

Herbert E. Reynolds,  
Senator Eighteenth Senatorial District.

The State of Alabama, }  
Bibb County. }

Personally appeared before me, S. D. Logan, a notary public in and for said county, L. H. Nunnellee, who says upon his oath, after being duly sworn, that he is the editor of the Centreville Press, a newspaper published in said county, and that the above notice was published in said paper four successive weeks ending December 27, 1906.

L. H. Nunnelee,  
Editor of the Centreville Press.

Sworn to and subscribed before me on January 8th, 1907.

S. D. Logan, Notary Public.

H. 78. To repeal an act entitled an act to amend an act to authorize the commissioner's court of Blount county to levy a tax for working the public roads of Blount county, and let out said roads by contract, approved October 1, 1903.

And sends the same to the Senate with notice and proof attached and herewtih exhibited as follows:

#### NOTICE.

Notice is hereby given that at the next meeting of the General Assembly of Alabama the following bill will be introduced:

An act to repeal an act to authorize the commissioners court of Blount county to levy a tax for working the public roads of Blount county, and let out said roads by contract," approved October 1st, 1903.

Section 1. Be it enacted by the General Assembly of Alabama, That an act to amend an act entitled "An act to authorize the commissioners court of Blount county to levy a tax for working the public roads of said county, and to let out said roads by contract," approved October 1st, 1903, be and the same is hereby repealed.

The State of Alabama, }  
Blount County. }

Before the undersigned authority, personally came F. G. Stephens, who, after being by me first duly sworn; says that he is the publisher of the Southern Democrat, the same being a weekly newspaper published at Oneonta, in the county and State aforesaid, and that notice of the intention to introduce a bill at the 1907 session of the Legislature of Alabama to be entitled an act to repeal an act entitled an act "To amend an act to authorize the commissioners court of Blount to levy a tax for working the public roads of Blount county, and let out said roads by contract," which said act was approved October 1st, 1903, has been given by publication for more than thirty days before this date, the same having appeared in said paper on November the 22nd and once each week for five consecutive weeks thereafter, a copy of said notice is hereto attached.

F. G. Stephens.

Subscribed and sworn to before me this January 12, 1907, and I hereby certify that I know said Stephens as such publisher and he is a credible person.

John F. Kelton,  
Judge of Probate.

H. 404. To provide bailiffs for the courts of Montgomery county.

And sends the same to the Senate with notice and proof attached and herewith exhibited as follows:

## NOTICE.

Notice is hereby given that the Legislature of Alabama, when it meets, will be asked to pass a bill which will be introduced substantially as follows, to-wit:  
 An act to provide bailiffs for the courts of Montgomery County.

Section 1. Be it enacted by the Legislature of Alabama, That in lieu of the bailiffs now required by law, the sheriff of Montgomery county is hereby required to furnish such deputy sheriffs or other persons as may be necessary, not to exceed three for any one court, who shall act as and in lieu of bailiffs and to attend to the business of the said circuit, city, chancery, county, criminal or probate court to which they must be summoned; provided that the judge of any of said courts may direct the sheriff to furnish additional deputy sheriffs or persons to act as bailiffs by making an order upon the minutes of the court, the number required and the reasons therefor.

2. The sheriff of said court shall receive two dollars per day for each bailiff furnished under this act to be paid out of the county treasury on the certificate of the clerk of the court in which such deputies may serve, showing the number of days of attendance of each bailiff, which sum is to be in full for their service of such bailiffs but not to be construed as in any way affecting the ex-officio compensation now authorized to the sheriff by law.

3. That all laws or parts of laws both general and special, in conflict with the provisions of this act, be and the same are hereby repealed.  
 12 24 oaw 4w.

The State of Alabama, }  
 Montgomery County. }

Before me, Ruth Beale, a notary public in and for said county in said State, personally appeared Brame Hood, who being duly sworn deposes and says on oath; that he is the advertising manager for the Montgomery Jour-

nal, a newspaper published in the city of Montgomery, Alabama; and that the attached notice of the intention to pass an act through the Legislature of Alabama to provide bailiffs for the courts of Montgomery, has appeared in said Montgomery Journal for four consecutive weeks, to-wit: on the 24th day of December, 1906, on the 31st day of December, 1906, on the 7th day of January, 1907, and on the 14th day of January, 1907.

Brame Hood.

Sworn to and subscribed before me this the 22nd day of January, 1907.

Ruth Beale, Notary Public.

H. 206. To repeal an act entitled an act to regulate the trial of misdemeanors in the county of Elmore, approved December 14th, 1898, and to provide for the re-transfer of pending causes from said county court to the circuit court of said county, and the enforcement of judgments already rendered in said county court.

And sends the same to the Senate with notice and proof attached herewith exhibited as follows:

The State of Alabama, }  
Montgomery County. }

Before me, Stella Marcus, a notary public in and for said State and county, personally appeared H. R. Golson, known to me to be the editor and manager of the Weekly Herald, a newspaper published in Wetumpka, in Elmore county, Alabama, who being by me first duly sworn deposes and says:

That the attached notice to repeal an act entitled "An act to repeal an act entitled an act to regulate the trial of misdemeanors in the county of Elmore, approved December 14th, 1898, and to provide for the re-transfer of pending causes from said county court to the circuit court of said county, and the enforcements of judgments already rendered in said county court," was published once a week for four consecutive weeks in said newspaper before the making of this affidavit.

(Signed) H. R. Golson.

Sworn to and subscribed before me, this the 15th day of January, 1907.

(Signed) Stella Marcus,  
Notary Public, Montgomery County, Ala.

#### NOTICE OF LOCAL BILL.

Notice is hereby given that at the next session of the Legislature of Alabama, beginning on the second Tuesday in January, 1907, a bill will be introduced for passage substantially as follows:

A bill to be entitled an act to repeal an act entitled an act to regulate the trial of misdemeanors in the county of Elmore, approved December 14th, 1898, and to provide for the re-transfer of pending causes from said county court to the circuit court of said county and the enforcements of judgments already rendered in said county court.

Section 1. Be it enacted by the Legislature of Alabama that an act entitled an act to regulate the trial of misdemeanors in the county of Elmore, approved December 14th, 1898, be and the same is hereby repealed.

Section 2. That all indictments for misdemeanors heretofore transferred from the circuit court of said county and now pending in said county court, are hereby transferred back to said circuit court and it is hereby made the duty of said county court to deliver to the clerk of said circuit court all such indictments and all bail bonds taken therein, and said causes shall proceed to final determination in said circuit court in all respects as if no transfer had been made in the first instance.

Section 3. That all judgments heretofore rendered by said county court in causes, transferred from said circuit court shall be enforced in and by said county court in all respects as though said act had not been repealed.

Lamar C. Smith.  
Cyrus B. Brown, Clerk.

## HOUSE MESSAGES.

The House bills in the foregoing house message were severally read once and referred to appropriate committees as follows:

H. 325. Finance and Taxation.

H. 114. Temperance.

H. 277, 402, 76, 78, 404, 206. Local Legislation.

## UNFINISHED BUSINESS.

The Senate proceeded with the unfinished business left over from the morning session which was,

S. 16. To fix and establish the maximum rates to be charged by railroads now operating or which may hereafter operate, as common carriers in whole or in part in the State of Alabama, for the transportation, originating and terminating within the State, of certain articles, and for this purpose to classify certain articles and said railroads.

Mr. Spragins offered the following amendment, to-wit:

To amend section 7 by striking out the last two lines of said section beginning with the word, "provided" in the next to the last line in said section.

Which on motion of Mr. Overton was laid on the table.

Yeas, 18; nays, 14.

Yeas:

Messrs:

Doster	Hayes	McWhorter	Reynolds
<del>Gardner</del>	<del>Leith</del>	<del>Overton</del>	<del>Strother</del>
Glenn	Lusk	Reese	White
Gunn	Merritt	Reid	Wilson
Hamner	Miller		

—18.

Nays:

Messrs:

Barbour	Forrester	Jones	Spragins
Bayles	Hamburger	King	Teasley
Blackmon	Heacock	Moody	Thomas
Davis	Hinson		

—14.



And said bill as thus amended, was read a third time at length and passed.

Yeas, 27; nays, 3.

Yeas:

Messrs:

Barbour	Gunn	Lusk	Reynolds
Bayles	Hamburger	Merritt	Spragins
Davis	Hamner	Miller	Strother
Doster	Hayes	McWhorter	Thomas
Forrester	Heacock	Overton	Wilson
Gardner	Hinson	Reese	White
Glenn	Leith	Reid	

—27.

Nays:

Messrs:

King	Moody	Teasley	—3.
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#### PAIR ANNOUNCED.

Mr. Blackmon announced that he and Senator Horton had paired their vote, that if Mr. Horton were present he would vote yea, and he, Mr. Blackmon, would vote nay.

Mr. Jones announced that he and Mr. Lowe were paired, that Mr. Lowe would vote yea, and he, Jones, would vote nay.

#### BILLS ON THIRD READING.

The bill:

S. 191. To prohibit and punish the selling, bartering or exchanging of spirituous, vinous or malt liquors in the county of Madison, after the first day of March, 1907, except in the dispensary for said county, located in the city of Huntsville.

Was read a third time at length and passed.

Yeas, 30; nays, 0.

Yeas:

Messrs:

Barbour	Davis	Gardner	Hamner
Bayles	Doster	Glenn	Hayes
Blackmon	Forrester	Hamburger	Heacock

Hinson	Merritt	Reid	Teasley
Horton	Miller	Reynolds	Thomas
Jones	McWhorter	Spragins	White
Leith	Overton	Strother	Wilson
Lusk	Reese		

—30.

## SPECIAL ORDER SET.

On motion of Mr. Reese,  
The bill:

S. 175. To further regulate and prohibit the dealing  
in future contracts in the State of Alabama.

Was made a continuing special order for Tuesday,  
February 5th, at 12 o'clock m.

## ADJOURNMENT.

At 5:30 o'clock p. m. on motion of Mr. Spragins, the  
Senate adjourned until 10:30 o'clock tomorrow morning.

## SIXTEENTH DAY.

Thursday, January 31st, 1907.

The Senate met pursuant to adjournment.

~~Prayer by Rev. Dr. Stuart McQueen, of the city.~~

## ROLL CALL.

Present:  
Mr. President  
And Messrs.

Barbour	Doster	Gunn	Heacock
Bayles	Forrester	Hamburger	Hinson
Blackmon	Gardner	Hamner	Horton
Davis	Glenn	Hayes	Jones

King	Miller	Reid	Thomas
Leith	Moody	Reynolds	White
Lowe	McWhorter	Spragins	Wilson
Lusk	Overton	Strother	Wimberly.
Merritt	Reese	Teasley	

—35.

## JOURNAL.

On motion of Mr. Miller, the reading of the journal of yesterday was dispensed with and the same was approved.

## PRIVILEGES OF THE FLOOR.

The privileges of the floor were extended to Messrs. C. P. Morris, J. H. Nunnellee, H. A. Skeggs, C. C. Oliver, C. S. McDowell, D. C. Almon, J. S. Clay, R. L. Parks.

## INTRODUCTION OF BILLS.

On the call of the districts, bills were introduced, read and referred to appropriate standing committees, as follows:

Mr. Hamner:

S. 225. To define the offense of "shystering" and to fix and prescribe penalties therefor.

## Revision of Laws.

Mr. Heacock:

S. 226. To make an appropriation for the Confederate soldiers home at Mountain Creek, Alabama, and for other purposes.

## Finance and Taxation.

Mr. Reynolds:

S. 227. To prevent the erection or maintaining of storage warehouses or freight depots, or buildings, intended, constructed or used for either of said purposes upon or across any public street of any city in Alabama.

## Commerce and Common Carriers.

Mr. Reynolds.

S. 228. To make an appropriation for the repair, building and maintenance of the Confederate soldiers home at Mountain Creek, Alabama.

Finance and Taxation.

Mr. Wimberly:

S. 229. To amend section 2 of an act to establish a State normal school for the education of white female teachers and students at Livingston, in Sumter county.

Education.

#### REPORTS OF COMMITTEES.

The following bill was returned to the Senate from committees, each having been acted upon by the respective standing committees in session as, in each case, stated below, and were read a second time, to-wit:

Mr. Lusk, from the Judiciary Committee, favorably:

S. 210. To provide for the appointment of a joint committee to read and revise the manuscript of the new code, prepared by Hon. James J. Mayfield, and to prescribe its powers and duties and to fix the compensation of the committee and clerks and provide for their pay and expenses.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bill:

H. 70. To authorize the cities of Tuscumbia and Sheffield, and the towns of Leighton and Cherokee, in Colbert county, to establish and operate dispensaries in such incorporated cities and towns for the purpose of buying and selling spirituous, vinous, and malt liquors, and to provide for the distribution of certain profits arising therefrom, and to further regulate or prohibit the sale, barter or exchange of such liquors in said county.

And sends the same to the Senate with notice and proof attached and herewith exhibited as follows:

## NOTICE OF PROPOSED LEGISLATION.

Notice is hereby given that the following bill will be introduced and passed at the approaching session of the Legislature of Alabama, which convenes on the 8th day of January, 1907. Said bill is in words and figures as follows, to-wit:

## A BILL TO BE ENTITLED AN ACT

To authorize the cities of Tuscumbia and Sheffield, and the towns of Leighton and Cherokee, in Colbert county, to establish and operate dispensaries in such incorporated cities and towns for the purpose of buying and selling spirituous, vinous and malt liquors, and to provide for the distribution of certain profits arising therefrom, and to further regulate or prohibit the sale, barter, or exchange of such liquors in said county.

Section 1. Be it enacted by the Legislature of Alabama, That the cities of Tuscumbia and Sheffield, and the towns of Leighton and Cherokee, in Colbert county, shall each have authority to conduct and carry on in its corporate name, in its corporate capacity, and through its legislative body, the business of buying and selling spirituous, vinous, and malt liquors, subject to the conditions and restrictions hereinafter mentioned. The place at which said business is carried on shall be called a dispensary. In each of said cities and towns there shall be one dispensary and only one. These dispensaries shall be carried on only within the corporate limits of such cities or towns, and shall begin operation on the first day of July, 1907, or as soon thereafter as practicable. Each of said municipalities shall invest in said business a sum of money not less than three hundred dollars, (\$300.00) nor more than twenty-five hundred dollars, (\$2,500.00) for the dispensary it may carry on. The liquors bought and sold as herein provided shall be of the purest and best quality and nothing shall be sold at said dispensaries except spirituous, vinous and malt liquors.

Section 2. The office of dispenser is hereby created and there shall be a dispenser for each dispensary that may be established. The first dispensers shall be elected in the manner herein set forth before the first day of June, 1907, and their terms of office shall begin on the first day of July, 1907, and shall continue until the first day of July, 1909. The terms of their successors in office shall be two years and each dispenser shall hold office until his successor is elected and qualified.

Section 3. For the purpose of aiding as hereinafter prescribed in the selection of dispensers, meetings of the court of county commissioners of said county shall be called whenever necessary and at any regular or called meeting of said court that may be held between the last day of March, 1907, and the 15th day of May, 1907, and at any regular or called meeting of said court that may be held between the last day of March and 15th day of May every two years thereafter, said court of county commissioners shall furnish to the mayor or other chief executive of the cities and towns herein named, names of three men. These men shall be residents of Colbert county, shall be over twenty-one years of age, and shall be esteemed as honest, temperate, law-abiding and competent to carry on a dispensary in said cities and towns. Before the first day of June, 1907, and before the first day of each succeeding term of office herein provided for, the legislative body of each of said towns and cities shall, from the names so furnished for said city or town, elect a dispenser for their said city or town. Each dispenser, under the direction and control of the city or town in which his dispensary is situated, shall sell liquors and carry on the dispensary for the term of two years and until his successor is elected and qualified. Each town or city having a dispensary shall provide whatever money within the aforesaid limits may be necessary to conduct the said business. Before entering upon the duties of his office each dispenser shall make affirmation before an officer authorized to administer oaths that he will obey all the laws of the State of Alabama and of the city or town of which he is dispenser

relative to the sale, giving away or delivery of liquors of any kind, and that he will discharge the duties of his office faithfully. He shall also before beginning business execute to his own city or town a bond conditioned for the honest and faithful discharge of his duties as such dispenser. Such bond shall be in such sum as may be fixed by the board of mayor and aldermen or other legislative body of said city or town, and shall be made by some reliable guarantee company as surety, if such surety-ship can be obtained, provided if a reliable guarantee company cannot be found who will make said bond, then said bond may be made by not less than three good and sufficient sureties who reside in Colbert county, and shall be approved by the mayor or other chief executive of said town or city. For neglect of business, incompetency, misfeasance or malfeasance in office, a dispenser may be impeached and removed from office by the legislative body of said city or town of which he is dispenser, in a trial to be had before said board of mayor and aldermen, and the decision of said board shall be final. Whenever a vacancy in said office occurs in any city or town from any cause whatever, the mayor or other chief executive of such city or town shall certify that fact to the judge of probate of said county. Said judge shall immediately call a meeting of the board of county commissioners of his county and said court shall furnish to the said mayor or chief executive for selection as aforesaid to fill said vacancy the names of three men having the aforesaid qualifications for a dispenser and from these names the legislative body of said city or town shall elect a dispenser to fill the vacancy, who shall give bond and make oath as herein provided.

Section 4. The legislative or governing body of the cities and towns in which dispensaries may be carried on shall pay to their several dispensers a salary which shall be fixed by said body before the dispensers are elected. In the cities of Tuscumbia and Sheffield said salary shall not be less than \$1,000.00 nor more than \$1,500.00 per annum. In the towns of Leighton and

Cherokee said salary shall not be less than \$600.00 nor more than \$1,200.00 per annum, and shall be paid in equal monthly installments on the first day of each month for services rendered during the preceding month. Said legislative body shall not make or permit the amount of said salary to depend on the amount of sales that may be made by its dispenser.

Section 5. The dispenser shall not sell any liquor of any kind in any quantity less than one-half pint. He shall not make more than one sale to the same person in one day, and he shall not make any sale between the hours of seven p. m. of one day and six a. m. of the next day, during the months of April, May, June, July, August and September, and during the months of October, November, December, January, February and March, no sale shall be made between the hours of 6:30 p. m. of one day and 6 a. m. of the next day, and within these hours the dispensary shall be closed and locked.

Section 6. Said dispenser shall not himself drink, consume or give away liquor of any kind or in any quantity on the premises on which said business is conducted. Said dispenser shall not permit or suffer any person to drink, consume or give away any liquor on said premises, but this section shall not be construed so as to prohibit sampling liquors which the said dispenser of said city or town may contemplate purchasing. Said dispenser shall report to the first grand jury thereafter any one whom he believes to be guilty of violating the provisions of this section.

Section 7. Any person who drinks, consumes or gives away any liquor on said premises except as permitted in section 6 of this act, and any dispenser, assistant, clerk or employee who fails to report to the first grand jury thereafter any person who drinks, consumes or gives away any liquor on said premises except as permitted in section 6 of this act, shall be guilty of a misdemeanor, and on conviction thereof shall be fined not less than \$20.00 nor more than \$100.00.

Section 8. The dispenser shall not sell spirituous, vinous, or malt liquors that are not contained in sealed



packages and no package which does not contain full measure shall be sold at any dispensary. The dispenser shall not receive or keep any broken packages in his dispensary. If any original package should be broken, the contents shall be bottled and the bottle sealed.

Section 9. All purchases for the use of said dispensaries shall be made by the dispenser, with the approval of each purchase by the board of mayor and aldermen or other governing body of the city or town where the dispensary is located, expressed in writing, and said purchases shall be for cash only and no sale shall be made by the dispenser except for cash. The dispenser and the governing body of the city or town shall keep an accurate account of all the purchases made for the use of the dispensary and the dispenser shall keep an accurate account of each day's sales, the amount sold to each party, the selling price and the names of all parties to whom the sales were made. A copy of which last account shall be filed by the dispenser at the close of each day with the mayor or other executive officer of said city or town; and also mailed to the probate judge of the county of Colbert, which said accounts shall be public records, and shall be filed in substantial books provided for that purpose. Said dispenser shall also make to the legislative body of the town or city in which he is conducting a dispensary and to the probate judge, weekly reports on such forms and under such directions, rules and regulations as said legislative body may require, and he shall give full and accurate information as to the condition, expenses, profits, losses and status of the business. He shall make other and additional reports oral or in writing, whenever and as often as the legislative body of his town or city may require. Subject to the provisions of this act, such legislative body shall regulate and control the conduct and management of said business. On the first day of January of each year beginning with the first day of January, 1908, said cities and towns doing business under this act shall pay into the county treasury forty per cent. (40 per cent.) of the net profits of the several dispensaries, after deducting

all the expenses of operating the dispensaries. The treasurer of said county shall keep said amount separate and apart from all other county funds and the same shall be and is hereby appropriated for the maintenance of the public schools of said county outside of the cities and towns where dispensaries are in operation, and for the improvement of the public roads of said county outside of incorporated cities and towns. Upon receiving said fund the court of county commissioners shall out of the same first make ample provision for the maintenance of the public schools of the county, which amount so appropriated for schools shall be paid to the county superintendent of education of said county and by him applied to the township and district schools in said county, in the same proportion as the public school fund of the State is now distributed, and to be paid by him to such of said township and district schools and in such proportion to the several schools as the trustees of said several township and district schools shall direct; and the trustees of the said township and district schools shall direct the expenditure of the same as they think best for the furtherance of the education of the children of their respective townships and districts, so as to provide as nearly as practicable school terms of equal duration in such school districts or townships, provided that no part of said county fund shall be applied or appropriated to the schools of a city or town where a dispensary is in operation, and provided that no part of said county fund shall be used or appropriated for any other than road and school purposes as aforesaid. After said public schools have been provided for as aforesaid the remainder of said dispensary fund shall be appropriated by the said board of county commissioners for the improvement and construction of pikes and public roads in said county outside of incorporated cities and towns.

Section 10. Sixty per cent. (60 per cent.) of the net profits of each dispensary, after deducting all the expenses of operating the same, shall be applied and appropriated by the board of mayor and aldermen or other leg-

islative body of the city or town where the dispensary is located, for the use of the public schools and the improvement of the streets of said city or town. Provided that out of said funds so received by said city or town from said source, ample provision shall first be made for the maintenance of the public schools of said city or town, and the remainder of the same shall be appropriated for the improvement of the streets of the said city or town, and provided further that no part of said dispensary fund so received by said city or town shall be appropriated by the governing body of said city or town, or shall be used for any other purpose than herein provided.

Section 11. No spirituous, vinous or malt liquors or intoxicating drinks shall be sold, bartered or exchanged in said county except as herein provided after the first day of July, 1907. But nothing in this act shall be so construed as to prevent any person who manufactures spirituous, vinous or malt liquors in a brewery or a distillery from selling the same by wholesale in sealed packages to cities or towns operating dispensaries or to liquor dealers who may be otherwise authorized to sell such liquors outside of said county. Nor to prevent any person from selling grape wine, the product of his own vineyard, as now provided by law in said county. Any person who violates the provisions of this section shall be guilty of a misdemeanor and on each conviction shall be fined not less than \$50.00 nor more than \$500.00, and shall be sentenced to hard labor for the county for not less than three months nor more than one year.

Section 12. The term legislative body where it appears in this act is intended to include the law making bodies of the towns and cities mentioned, by whatever names called.

Section 13. No gates, doors, windows or other openings shall connect any dispensary with any adjacent house or lot or with any stairs leading to an upper room, so as to permit ingress or egress into and out of such house or lot or stairs from and in to the dispensary.

Section 14. The board of mayor and aldermen or

other legislative body of any city or town where a dispensary is being operated shall provide the dispensary with necessary assistants and help, to carry on the business upon request in writing, from the dispenser and not otherwise, and provided further that said assistants shall appear necessary and indispensable to the conduct and management of the dispensary. And provided further that no assistant or employee in said dispensary shall receive a greater salary than fifty dollars (\$50.00) per month, which shall be paid as the salary of the dispenser is paid. All persons employed in and about said dispensary shall be esteemed in the neighborhood where they live as honest, industrious, intelligent and sober men. No person shall be employed in and around said dispensary who is not over twenty-one years of age. All employees shall execute a bond in such sums as may be prescribed by the board of mayor and aldermen, payable to the city or town where located with some reliable guarantee company as surety, if such suretyship can be obtained; but if such suretyship cannot be had then said bonds shall have at least three good and sufficient sureties who reside in Colbert county. Said bonds shall be approved by the mayor or other executive officer of said city or town and shall be conditioned for the faithful performance of duty.

Section 15. The dispenser for each dispensary shall make a full and complete settlement on the first day of each month, with the board of mayor and aldermen where his dispensary is located, by making a statement under oath and in writing, of the amount of goods on hand, the expenses incurred during the preceding month, and the amount of money on hand, and shall pay the money over to the treasurer of said city or town taking his receipt therefor. And the said city treasurer shall keep said dispensary funds separate from all other funds, and the board of mayor and aldermen shall issue warrants against said fund for the payment of all expenses of running the dispensary for the preceding month upon proper vouchers. And said city treasurer shall keep a separate account of all monies received from

said source and paid out by him in a book kept for that exclusive purpose.

Section 16. The dispenser shall keep a book which shall be well bound, in which he shall enter and keep an account of all purchases made for the use of said dispensary, together with the cost thereof, and all sales made, together with the profit on each sale.

Section 17. It shall be the duty of the board of mayor and aldermen every six months during the operation of a dispensary in their city or town, to publish a statement in some newspaper, published in Colbert county, showing clearly the financial condition of the said dispensary.

Section 18. No license shall be collected for the operation of the dispensaries established under the provisions of this act, either by the county or by the cities or towns where operated.

Section 19. That all laws and parts of laws, general and special, which conflict with the provisions of this act, be and the same are hereby repealed.

I shall apply for the passage of the foregoing bill during the session of the Legislature of Alabama which convenes on January 8, 1907.

This December 11, 1906.

A. H. Carmichael.

State of Alabama,     }  
Colbert County.       }

Before me, W. D. Rorex, a notary public in and for said State and county, personally appeared F. W. McCormack, editor and publisher of the Leighton News, who being by me duly sworn deposes and says, that he is the editor and publisher of the Leighton News, a newspaper published in Colbert county, Alabama, and that he was such editor and publisher during the months of December, 1906, and January, 1907, and that the above and foregoing notice which is hereto attached and which gives notice of an intention to apply for the passage of a law authorizing the cities of Tuscumbia and Sheffield and the towns of Leighton and Cherokee in Colbert county to establish and operate dispensaries in such incorporated cities and towns, was published in the said

Leighton News in the said county of Colbert for four consecutive weeks beginning on the 14th day of December, 1906.

(Signed) F. W. McCormack,  
Editor and Publisher.

Sworn to and subscribed before me, this the 5th day of January, 1907.

(Signed) W. D. Rorex,  
Notary Public.

And the House has passed the following Senate bill:

S. 54. To alter and fix the boundaries of Selma, a municipal corporation in Dallas county, Alabama.

Cyrus B. Brown, Clerk.

#### HOUSE MESSAGES.

The House bill in the foregoing House message was severally read once and referred to appropriate committees as follows:

H. B. 70. To Temperance.

And the speaker of the House having signed the following joint resolutions your signature thereto is requested:

H. J. R. 17. A joint resolution petitioning congress for the return to the State of Alabama its proportionate share of the cotton tax unlawfully collected by the Federal government.

H. J. R. 40. Relates to investigation of salaries of executive officers and the clerks and employees in their departments.

Cyrus B. Brown, Clerk.

#### SIGNING OF HOUSE JOINT RESOLUTIONS.

The president of the Senate, in the presence of the Senate, immediately after they had been publicly read at length by the secretary, signed the above House Joint Resolutions, the titles of which are set out in the foregoing message from the House.

## MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following H. J. R. No. 67:

Resolved, by the House, the Senate concurring, that the governor is hereby requested to return to the House H. B. No. 269 "General Appropriation Bill," and has passed

H. 357. To authorize the secretary of State to employ a stenographer for the office of secretary of State and insurance commissioner, and to fix the compensation therefor.

And has ordered the same sent forthwith to the Senate without engrossment.

Cyrus B. Brown, Clerk.

## HOUSE MESSAGES.

The House bills in the foregoing House message were severally read once and referred to appropriate committees as follows:

H. 357. Finance and Taxation.

H. J. R. 67. Concurred in.

## RESOLUTIONS.

Mr. Gardner offered the following joint resolution:

## SENATE JOINT RESOLUTION NO. 36.

Be it resolved by the Senate, the House concurring, that when the Legislature adjourns on Friday, February 1st, next, that adjournment be had until Monday, February 4th, at noon.

Which, under a suspension of the rules, was adopted.

## SENATE RESOLUTION NO. 37.

Mr. Gardner also offered the following resolution:

Be it resolved by the Senate, that no officer or clerk

of the Senate shall employ any assistant at the expense of the State without the previous written authority of the president of the Senate.

Be it further resolved, That the secretary, engrossing and enrolling clerk and doorkeeper of the Senate, be required to keep all expense accounts, showing all expenses incurred and the purpose for such expenses, and that the engrossing and enrolling clerk of the Senate, shall report daily to the secretary of the Senate, the number of assistants employed by him and shall keep a register of all bills engrossed or enrolled by him, together with the number and date of the engrossment and enrollment of each bill and the approximate number of the words in each bill engrossed and enrolled, and by whom each bill is so engrossed and enrolled.

And each officer herein required to keep accounts, shall on Friday mornings of each week, submit to the committee on rules in the House where employed for audit and approval all such accounts and register kept by them respectively, and also all reports which are required to be made to them.

Be it further resolved, That the president of the Senate, shall give each employee in the Senate, a certificate showing the amount of compensation to which he is entitled for work performed.

Be it further resolved, That the clerk of each standing committee in the Senate, shall at all times be subject to the call and direction of the chairman of his committee, and shall, except when excused in writing by the chairman of his committee, attend the daily sessions of the Senate, and remain in the House where employed during the entire session.

Be it further resolved, failure on the part of any officer, clerk or employee to observe these rules shall be grounds for summary dismissal by the president of the Senate, and any officer, clerk or employee failing to attend the daily sessions of the Senate aforesaid, unless excused as aforesaid, shall for each day or part of a day he shall fail to attend, forfeit one day's pay.

Which, under a suspension of the rules was adopted.



## BILLS ON THIRD READING.

The bill:

H. 84. To convert the surplus money of the fine and forfeiture fund of Choctaw county, Alabama, into a special court house fund and to provide for the disbursement of the same.

Was read a third time, at length, and passed.

Yeas, 27; nays, 0.

Yeas:

Messrs:

Barbour	Hamner	Lowe	Reid
Bayles	Hayes	Lusk	Reynolds
Forrester	Heacock	Merritt	Spragins
Gardner	Hinson	Moody	Teasley
Glenn	Horton	McWhorter	Thomas
Gunn	Jones	Overton	Wilson
Hamburger	Leith	Reese	

—27.

The bill:

S. 141. To authorize the sale and transfer by the quarantine board of Mobile bay of its site, plant, property and equipment, and to cede jurisdiction over the said quarantine site to the United States.

Was read a third time at length and passed.

Yeas, 30; nays, 1.

Yeas:

Messrs:

Barbour	Hayes	Merritt	Reynolds
Davis	Heacock	Miller	Spragins
Forrester	Hinson	Moody	Strother
Gardner	Horton	McWhorter	Teasley
Glenn	Jones	Overton	Thomas
Gunn	Leith	Reese	White
Hamburger	Lowe	Reid	Wilson
Hamner	Lusk		

—30.

Nays: Mr. Bayles—1.

The bill:

S. 107. To prohibit the sale, barter, or transfer for profit, either direct or indirect, of any spirituous, vinous

or malt liquors, or other intoxicating drinks or beverages in Etowah county, in this State, outside the corporate limits of incorporated cities and towns.

Was taken up.

Mr. Lusk offered the following amendment to said bill:

Amend section 1 by adding thereto, "of less than 1,000 inhabitants," which was adopted.

Yeas, 26; nays, 1.

Yeas:

Messrs:

Davis	Hinson	Miller	Wilson
Forrester	Horton	Moody	Spragins
Gardner	Jones	McWhorter	Strother
Glenn	Leith	Reese	Teasley
Gunn	Lowe	Reid	Thomas
Hamner	Lusk	Reynolds	White
Heacock	Merritt		

—26.

Nays: Mr. Bayles—1.

And the bill as thus amended, was read a third time at length and passed.

Yeas, 33; nays, 0.

Yeas:

Messrs:

Barbour	Hamburger	Lowe	Reid
Bayles	Hamner	Lusk	Reynolds
Blackmon	Hayes	Merritt	Spragins
Davis	Heacock	Miller	Strother
Doster	Hinson	Moody	Teasley
Forrester	Horton	McWhorter	Thomas
Gardner	Jones	Overton	White
Glenn	Leith	Reese	Wilson
Gunn			

—33.

The bill:

S. 184. To amend section 1, of an act entitled an act to incorporate the town of West Blocton, Bibb county, Alabama, so far as said section relates to the boundary lines of said town, approved March 4th, 1901.

Was read a third time at length and passed.

Yeas, 29; nays, 0.

Yeas:

Messrs:

Barbour	Hamburger	Leith	Reid
Bayles	Hamner	Lowe	Reynolds
Davis	Hayes	Lusk	Strother
Doster	Heacock	Merritt	Teasley
Forrester	Hinson	McWhorter	Thomas
Gardner	Horton	Overton	White
Glenn	Jones	Reese	Wilson
Gunn			

—29.

The bill:

H. 9. To amend an act entitled an act to amend section 2937 of the Code of Alabama, approved February 11, 1901.

Was taken up.

The following amendment offered by the committee was adopted:

Strike out in line 11 the words, "householder or."

Yeas, 30; nays, 2.

Yeas:

Messrs:

Barbour	Hamburger	Lowe	Reid
Bayles	Hamner	Lusk	Reynolds
Davis	Hayes	Merritt	Spragins
Doster	Heacock	Moody	Strother
Forrester	Hinson	McWhorter	White
Gardner	Horton	Overton	Wilson
Glenn	Jones	Reese	Wimberly
Gunn	King		

—30.

Nays: Messrs. Leith, Thomas—2.

Mr. Jones then offered the following amendment:

After the word "incorporated" in the first line "or of a town incorporated by an act of the Legislature of less than one thousand inhabitants."

Which, on motion of Mr. Horton, was laid on the table.

And the bill as thus amended, was read a third time at length and passed.

Yeas, 30; nays, 0.

Yeas:

Messrs:

Barbour	Gunn	Lowe	Reynolds
Bayles	Hamner	Lusk	Spragins
Blackmon	Heacock	Merritt	Strother
Davis	Hinson	Moody	Thomas
Doster	Horton	McWhorter	White
Forrester	Jones	Overton	Wilson
Gardner	King	Reid	Wimberly
Glenn	Leith		

—30.

The bill:

S. 26. To amend section 42 of the code of Alabama.  
Was read a third time at length and passed.

Yeas, 22; nays, 2.

Yeas:

Messrs:

Barbour	Hamner	Leith	Reese
Bayles	Hayes	Lusk	Reid
Davis	Heacock	Miller	Reynolds
Gardner	Hinson	Moody	Spragins
Glenn	Jones	Overton	Thomas
Gunn	King		

—22.

Nays: Messrs. Blackmon, Strother—2.

The bill:

S. 34. To amend section 4278 of the Code of Alabama.

Was taken up.

The committee offered the following amendment:  
Amend after the words, "where the will is offered for probate" the following "and when there is no contest."

Which was adopted.

Yeas, 26; nays, 0.

Yes:

Messrs:

Barbour	Davis	Gunn	Heacock
Bayles	Gardner	Hamner	Horton
Blackmon	Glenn	Hayes	Jones

King	Moody	Reynolds	Teasley
Leith	Overton	Spragins	White
Lusk	Reese	Strother	Wilson
Miller	Reid		

—26.

And the bill as thus amended was read a third time at length and passed.

Yeas, 27; nays, 0.

Yeas:

Messrs:

Barbour	Hamburger	Leith	Reynolds
Bayles	Hamner	Lusk	Spragins
Blackmon	Hayes	Merritt	Strother
Forrester	Heacock	Moody	Teasley
Gardner	Hinson	Overton	Thomas
Glenn	Jones	Reese	Wilson
Gunn	King	Reid	

—27.

#### SPECIAL ORDER SET.

On motion of Mr. Gardner.

S. 44. To create a commission known as "The Railroad Commission of Alabama" define its duties and powers and provide mode of procedure, and prescribe penalties for violation of its orders.

Was made a special order for one o'clock p. m. on tomorrow.

#### UNFINISHED BUSINESS.

The Senate then proceeded to consider the unfinished business of yesterday which was:

S. 154. To define and regulate public warehouses for the storage of cotton for compensation, and to provide a punishment for the violation of the provisions of this act.

The amendment heretofore offered by Mr. Gunn was, on motion of Mr. Gardner laid on the table.

Yeas, 19; nays, 8.

Yeas:

Messrs:—

Barbour	Hinson	McWhorter	Spragins
Davis	Leith	Overton	Thomas
Forrester	Lowe	Reese	White
Gardner	Lusk	Reid	Wilson
Hamburger	Merritt	Reynolds	

—19.

Nays:

Messrs:

Bayles	Hamner	Jones	Miller
Gunn	Horton	King	Strother

—8.

Mr. Moody then offered the following amendment to said bill:

Amend the bill by adding the words “or other articles of value,” after the word “Cotton” wherever the word cotton appears in the title or body of the bill.

Which was adopted.

Yeas, 18; Nays, 3.

Yeas:

Messrs:

Davis	Hamner	Moody	Spragins
Forrester	King	Reese	Thomas
Gardner	Lusk	Reid	White
Glenn	Merritt	Reynolds	Wilson
Hamburger	Miller		

—18.

Nays:

Messrs:

Barbour	Doster	Gunn
---------	--------	------

—3.

Mr. Thomas offered the following amendment to said bill:

Amend the bill by inserting the words “In incorporated towns and cities” after the words “Warehouse” wherever words “Warehouse” appears in the title or body of the bill.

Which was adopted.

Yeas, 24; Nays, 3.

Yeas:

Messrs:

Barbour	Glenn	Jones	Reese
Bayles	Gunn	King	Reynolds
Blackmon	Hamburger	Leith	Strother
Davis	Hamner	Merritt	Thomas
Doster	Hayes	Moody	White
Forrester	Heacock	Overton	Wimberly

—24.

Nays:

Messrs:

Horton	Lusk	Reid
--------	------	------

—3.

And said bill as thus amended was read a third time at length and passed.

Yeas, 32; Nays, 1.

Yeas:

Messrs:

Barbour	Gunn	King	Reese
Bayles	Hamburger	Leith	Reid
Blackmon	Hamner	Lowe	Reynolds
Davis	Hayes	Lusk	Teasley
Doster	Heacock	Merritt	Thomas
Forrester	Hinson	Moody	White
Gardner	Horton	McWhorter	Wilson
Glenn	Jones	Overton	Wimberly.

—32.

Nays: Mr. Spragins—1.

#### CONSIDERATION OF SPECIAL ORDERS.

The hour of 12 o'clock m. having arrived the Senate proceeded to the consideration of the special order for this hour, which was:

S. 18. To prevent any officer, agent or employee of any person, company or corporation owning or operating as a common carrier any railroad in whole or in part in this State, from charging or receiving for the transportation, originating and terminating within the State,

of any article a greater or higher rate of compensation than that established by statute where a rate for the transportation of such article has been established by statute, or from refusing to receive such articles for transportation at the rate established by statute.

And the following amendment offered by the committee was taken up:

Amend by adding after the word "and" in the 4th line of section 2 of the original bill, the words "for each offense."

And the same was adopted.

Yeas, 28; Nays, 1.

Yeas:

Messrs:

Barbour	Hamner	Merritt	Reynolds
Doster	Hinson	Miller	Strother
Forrester	Horton	Moody	Teasley
Gardner	Jones	McWhorter	Thomas
Glenn	King	Overton	White
Gunn	Leith	Reese	Wilson
Hamburger	Lusk	Reid	Wimberly

—28.

Nays: Mr. Bayles—1.

And the bill as thus amended, was read a third time at length and passed.

Yeas, 33; Nays, 0.

Yeas:

Messrs:

Barbour	Hamburger	Lowe	Reid
Bayles	Hamner	Lusk	Reynolds
Blackmon	Hayes	Merritt	Spragins
Davis	Hinson	Miller	Strother
Doster	Horton	Moody	Teasley
Forrester	Jones	McWhorter	White
Gardner	King	Overton	Wilson
Glenn	Leith	Reese	Wimberly
Gunn			

—33.



The hour of 12:30 p. m., having arrived the Senate proceeded to consider the special order of this hour which was:

S. 106. To require and authorize the railroad commission to prescribe rules, regulations and requirements for the issuance and use of interchangeable mileage tickets and coupon tickets on and over lines of transportation of common carriers of passengers in this State, and punish any violation of such orders, rules, regulations and requirements.

And the amendment to said bill offered by the committee as follows:

Amend by inserting the words "Railroad" before the word "Common" where it appears in the caption and body of the bill.

Was adopted.

Yeas, 31; Nays, 0.

Yeas:

Messrs:

Barbour	Hamner	Lowe	Reid
Bayles	Hays	Lusk	Reynolds
Davis	Heacock	Merritt	Strother
Doster	Hinson	Miller	Teasley
Forrester	Horton	Moody	Thomas
Gardner	Jones	McWhorter	White
Glenn	King	Overton	Wilson
Gunn	Leith	Reese	

—31.

And the bill as thus amended was read a third time at length and passed.

Yeas, 29; Nays, 1.

Yeas:

Messrs:

Barbour	Hamner	Lusk	Reid
Bayles	Hayes	Merritt	Reynolds
Davis	Heacock	Miller	Strother
Doster	Hinson	Moody	Teasley
Forrester	Horton	McWhorter	Thomas
Gardner	Jones	Overton	White
Gunn	Lowe	Reese	Wilson
Hamburger			

—29.

Nays: Mr. Blackmon—1.

UNFINISHED BUSINESS.

The Senate then resumed the consideration of the remaining unfinished business of yesterday, which was:

H. J. R. No. 15.

Endorsing the action of the President in dismissing the three companies of the 25th regiment of United States colored troops for their act of outlawry in Brownsville, Texas, etc. \* \* \* \* \*

And the motion of Mr. Miller to recommit said Resolution.

Was taken up.

Mr. Reese moved to lay Mr. Miller's motion to recommit on the table which was lost.

Yeas, 9; Nays, 21.

Yeas:

Messrs:

Bayles	Heacock	Overton	Thomas
Gardner	Leith	Reese	Wilson
Hamner	Lusk		

—9.

Nays:

Messrs:

Barbour	Hamburger	Merritt	Reynolds
Blackmon	Hayes	Miller	Spragins
Davis	Horton	Moody	Strother
Doster	Jones	McWhorter	Teasley
Forrester	Lowe	Reid	Wilson
Glenn			

—21.

PAIRS ANNOUNCED.

Mr. Gunn announced that he had paired with Mr. Hinson. That if Mr. Hinson was here he would vote yea, and that he, Mr. Gunn would vote nay.

The motion heretofore made by Mr. Miller to recommit said resolution, then prevailed, and said resolution was recommitted.

## RECESS.

At 1:15 o'clock p. m. on motion of Mr. Lusk, the Senate took a recess until 3 o'clock p. m.

## AFTERNOON SESSION.

The Senate reassembled at 3 o'clock p. m.

## ROLL CALL.

Upon the call of the roll a quorum was present.

## PRIVILEGES OF THE FLOOR.

The privileges of the floor were extended to Messrs. Callahan, Narville, Jack Moore, and Mr. Davis.

The Senate resumed the consideration of

## BILLS ON THIRD READING.

## The Bill:

S. 79. To amend section 4730 of the Code of 1896, as amended October 1st, 1903.

Was taken up.

The following amendment offered by the committee, to-wit:

Insert after the words, "Twice the injury suffered by his employer," the following words: "But not more than \$500.00, was adopted.

Yeas, 26; Nays, 0.

Yeas:

Messrs:

Barbour	Gunn	Leith	Overton
Bayles	Hamburger	Lowe	Reid
Blackmon	Hamner	Lusk	Reynolds
Davis	Hayes	Merritt	Spragins
Forrester	Hinson	Miller	Strother
Gardner	Horton	Moody	Wilson
Glenn	Jones		

Mr. Hinson then offered the following amendment, to-wit:

To amend by striking out the words "Or fails" where it occurs after the word refuses, and before the words, "to perform", which was adopted.

Yea, 21; Nays, 0.

Yeas:

Messrs:

Barbour	Hamburger	Lowe	Reid
Bayles	Hinson	Lusk	Reynolds
Davis	Horton	Merritt	Spragins
Doster	Jones	Moody	Strother
Gardner	King	Overton	Wilson
Gunn			

—21.

And said bill as thus amended was read a third time at length and passed.

Yeas, 22; Nays, 0.

Yeas:

Messrs:

Barbour	Hamburger	Lusk	Reynolds
Bayles	Hinson	Merritt	Spragins
Doster	Jones	Moody	Strother
Forrester	King	Overton	Thomas
Gardner	Leith	Reid	Wilson
Gunn	Lowe		

—22.

The Bill:

S. 95. To amend section 4655 of the Code.

Was taken up.

The following amendment offered by the committee, to-wit:

Change the words "twenty-five dollars" to five dollars, and "five hundred dollars" to two hundred dollars, where the same occurs in said bill.

Which was adopted.

Yeas, 28; Nays, 0.

Yeas:

Messrs:

Barbour	Glenn	Jones	Overton
Bayles	Gunn	Leith	Reid
Blackmon	Hamburger	Lowe	Reynolds
Davis	Hayes	Lusk	Spragins
Doster	Heacock	Merritt	Strother
Forrester	Hinson	Miller	Thomas
Gardner	Horton	Moody	Wilson

—28.

And said bill as thus amended was read a third time at length and passed.

Yeas, 25; Nays, 0.

Yeas:

Messrs:

Barbour	Glenn	Jones	Reid
Bayles	Gunn	Lowe	Reynolds
Blackmon	Hamburger	Lusk	Spragins
Davis	Heacock	Merritt	Strother
Doster	Hayes	Moody	Thomas
Forrester	Horton	Overton	Wilson
Gardner			

—25.

The Bill:

S. 112. To amend section 962 of the Code of Alabama.

Was read a third time at length and passed.

Yeas, 22; Nays, 0.

Yeas:

Messrs:

Barbour	Gardner	Leith	Reynolds
Bayles	Glenn	Lowe	Spragins
Blackmon	Gunn	Lusk	Strother
Davis	Hamburger	Merritt	Thomas
Doster	Heacock	Reid	Wilson
Forrester	Horton		

—22.

The Bill:

S. 124. To amend section 1, of an Act entitled an Act to amend section 4583 of the Code of Alabama (1896) approved February 23rd, 1899.

Was read a third time at length and passed.

Yeas, 24; Nays, 0.

Yeas:

Messrs:

Bayles	Hamburger	Leith	Reid
Blackmon	Gunn	Lowe	Reynolds
Doster	Hayes	Lusk	Spragins
Forrester	Heacock	Merritt	Strother
Gardner	Hinson	Moody	Teasley
Glenn	Horton	Overton	Wilson

—24.

#### MESSAGES FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bills:

H. 63. To provide an exemption from taxation for the benefit of Confederate soldiers, and sailors, and their widows, residents of this State.

And sends the same to the Senate.

H. 138. To detach Lee county from the North-eastern Chancery Division, and to transfer the cases pending in the Chancery Court of Lee county, and the jurisdiction to try and determine the same, to the Lee county court of law and equity, and to repeal conflicting laws.

And sends the same to the Senate with notice and proof attached and herewith exhibited as follows:

The State of Alabama, }  
Lee County. }

Before me, Lum Duke, a notary public in and for said county, personally appeared H. M. Wilson, known to me to be one of the editors and publishers of the Daily News, a newspaper published in Opelika, Lee county, Alabama, who being by me duly sworn, deposes and says that he is such editor and publisher of said newspaper, and that the following notice, to-wit:

## NOTICE. TO WHOM IT MAY CONCERN.

Notice is hereby given that at the next session of the Legislature of Alabama a bill will be introduced the substance of which will be to establish an inferior court of law and equity of Lee county, to be called the Lee county court of law and equity, prescribe its jurisdiction and powers, its rules of practice and procedure, provide for its officers, and prescribe their powers, duties and compensation, fix the terms of said court, provide for fees, commissions, fines and forfeitures in said court, provide for juries in said court, provide for appeals to and from said court, provide for bills of exceptions, issuance and return of executions, the sheriff's duties, the payment of witnesses and jurors, and for the furnishing necessary books, blanks, and stationery for said court, and to repeal conflicting laws.

Also at the next session of the Legislature of Alabama, will be introduced a bill to detach Lee county from the Third Judicial Circuit, and to transfer the cases pending in the circuit court of Lee county and the jurisdiction to try and determine the same to the Lee county court of law and equity, and repeal conflicting laws.

Also, at the next session of the Legislature of Alabama, a bill will be introduced to detach Lee county from the Northeastern Chancery Division of Alabama, to transfer the cases pending in the chancery court of Lee county, Alabama, and the jurisdiction to try and determine the same, to the Lee county court of law and equity, and repeal conflicting laws.

Also, at the next session of the Legislature of Alabama, a bill will be introduced to abolish the county court of Lee county, transfer all cases pending therein, and the jurisdiction to try and determine the same, to the Lee county court of law and equity, and to repeal conflicting laws.

Lum Duke,  
A. E. Barnett,  
T. D. Power,  
R. C. Smith, Chairman.

Was published once a week for four consecutive weeks in said newspaper before making this affidavit.

H. M. Wilson.

Sworn to and subscribed before me this the 5th day of January, 1907.

Lum Duke,

Notary Public for Lee county, Alabama.

H. 139. To abolish the county court of Lee county, to transfer the cases therein pending and its jurisdiction to try and determine the same, to the Lee county court of law and equity, and to repeal conflicting laws.

And sends the same to the Senate with notice and proof attached and herewith exhibited as follows:

The State of Alabama, }  
Lee County. }

Before me, Lum Duke, a notary public in and for said county, personally appeared H. M. Wilson, known to me to be one of the editors and publishers of the Daily News, a newspaper published in Opelika, Lee county, Alabama, who being by me duly sworn, deposes and says that he is such editor and publisher of said newspaper, and that the following notice, to-wit:

#### NOTICE. TO WHOM IT MAY CONCERN.

Notice is hereby given that at the next session of the Legislature of Alabama a bill will be introduced the substance of which will be to establish an inferior court of law and equity for Lee county, to be called the Lee county court of law and equity, prescribe its jurisdiction and powers, its rules of practice and procedure, provide for its officers, and prescribe their powers, duties and compensation, fix the terms of said court, provide for fees, commissions, fines and forfeitures in said court, provide for juries in said court, provide for appeals to and from said court, provide for bills of exceptions, issuance and return of executions, the sheriff's duties, the payment of witnesses and jurors, and for the furnishing necessary books, blanks, and stationery for said court, and to repeal conflicting laws.



Also at the next session of the Legislature of Alabama, will be introduced a bill to detach Lee county from the Third Judicial Circuit, and to transfer the cases pending in the circuit court of Lee county and the jurisdiction to try and determine the same to the Lee county court of law and equity, and repeal conflicting laws.

Also, at the next session of the Legislature of Alabama, a bill will be introduced to detach Lee county from the Northeastern Chancery Division of Alabama, to transfer the cases pending in the chancery court of Lee county, Alabama, and the jurisdiction to try and determine the same, to the Lee county court of law and equity, and repeal conflicting laws.

Also, at the next session of the Legislature of Alabama, a bill will be introduced to abolish the county court of Lee county, transfer all cases pending therein, and the jurisdiction to try and determine the same, to the Lee county court of law and equity, and to repeal conflicting laws.

Lum Duke,  
A. E. Barnett,  
T. D. Power,  
R. C. Smith, Chairman.

Was published once a week for four consecutive weeks  
} in said newspaper before making this affidavit.

H. M. Wilson,

Sworn to and subscribed before me this the 5th day of  
January, 1907.

Lum Duke,  
Notary Public for Lee county, Alabama.

H. 350. To repeal an act entitled an act to prohibit the sale, giving away or otherwise disposing of spirituous, vinous, or malt liquors, or intoxicating ciders, biters of beverages, or fruits preserved in alcoholic liquors within precinct number eight, including the incorporation of the town of Fitzpatrick and Thompson in Bullock county, Alabama. Approved January 29, 1897.

And sends the same to the Senate with notice and proof attached and herewith exhibited as follows:

The State of Alabama, }  
 Bullock County. }

On this the seventeenth day of January 1907, personally appeared before me, the undersigned, a Notary Public within and for said county and State F. B. Haynes publisher of The Union Springs Herald, a newspaper published at Union Springs, county of Bullock, State of Alabama who being duly sworn states on oath that the article hereto attached is a true copy of one that was published consecutively in said paper for a period of thirty days.

(Signed) F. B. Haynes.

Sworn to and subscribed before me, this seventeenth day of January, 1907.

A. E. Singleton,  
 Probate Judge.

Notice is hereby given that application will be made to the next Legislature of Alabama to repeal Sec. one, two, and three of acts of 1896-97 which prohibits the sale, giving away or otherwise disposing of spirituous, vinous or malt liquors, intoxicating ciders, bitters or fruits preserved in alcoholic liquors in precinct number eight (8) of Bullock county, Ala., including the incorporations of the towns of Fitzpatrick and Thompson in Bullock county, Alabama.

H. 345. To limit the number of constables, bailiffs and deputies who shall be paid out of the county treasury of Walker county, Alabama, for services in waiting upon and attending the regular, special or adjourned terms of the Walker county law and equity court and the circuit court of Walker county, Alabama.

And sends the same to the Senate with notice and proof attached and herewith exhibited as follows:

#### NOTICE.

Notice is hereby given that at the next session of the Legislature of Alabama application will be made for the passage of an act in substance as follows:

## AN ACT

To limit the number of constables, bailiffs and deputies who shall be paid out of the county treasury of Walker county for services in waiting upon and attending the regular, special or adjourned term of the Walker county law and equity court, and the circuit court of Walker county, Alabama.

Section 1. Be it enacted by the Legislature of Alabama, That not more than three bailiffs, constables or deputy sheriffs who attend and wait upon any regular, special or adjourned term of the Walker county law and equity court, or the circuit court of Walker county, Alabama, shall be paid for their services out of the county treasury of Walker county, provided there is no grand jury in session during such term of court.

Section 2. Be it further enacted, That not more than ten bailiffs, constables or deputy sheriffs who attend and wait upon any regular, special or adjourned term of the Walker county law and equity court or the circuit court of Walker county, Alabama, when a grand jury is in session during each term of court, in addition to those provided for in section 1 hereof, shall be paid for their services out of the county treasury of Walker county.

Section 3. Be it further enacted, That before any bailiff, constable or deputy sheriff shall be paid out of the county treasury, as provided by section two of this act, the court for which such services is done, or to be done, shall make and enter an order commanding the sheriff to summon such number of bailiffs, constables or deputies, not exceeding ten, as in the opinion of the court may be necessary to carry on the business of the court.

Section 4. Be it further enacted, That all laws and parts of laws, both general and special, in conflict with the provisions of this act, in so far as they relate to Walker county, Alabama, be, and the same are hereby repealed.

Ernest Lacy.

The State of Alabama, }  
Walker County. }

Personally appeared before me, R. T. Knight, a justice of the peace in and for Walker county, Alabama, J. R. Gunter, who being first duly sworn according to law upon his oath says that he is the editor of the Mountain Eagle; that the notice herewith attached was published at Jasper in Walker county, Alabama, once a week for the four consecutive weeks next before the making of this affidavit in the Mountain Eagle, a newspaper published in Walker county, Alabama. J. R. Gunter.

Sworn to and subscribed before me on this the 18 day of Jany., 1907.

R. T. Knight,  
Justice of the Peace.

H. 137. To detach Lee county from the third judicial circuit and to transfer the cases pending in the circuit court of Lee county, and the jurisdiction to try and determine the same, to the Lee county court of law and equity, and to repeal conflicting laws.

And sends the same to the Senate with notice and proof attached and herewith exhibited as follows:

The State of Alabama, }  
Lee County. }

Before me, Lum Duke, a notary public in and for said county, personally appeared H. M. Wilson, known to me to be one of the editors and publishers of the Daily News, a newspaper published in Opelika, Lee county, Alabama, who being by me duly sworn, deposes and says that he is such editor and publisher of said newspaper, and that the following notice, to-wit:

#### NOTICE. TO WHOM IT MAY CONCERN.

Notice is hereby given that at the next session of the Legislature of Alabama a bill will be introduced the substance of which will be to establish an inferior court of law and equity for Lee county, to be called the Lee county court of law and equity, prescribe its jurisdiction and powers, its rules of practice and procedure, provide for

its officers, and prescribe their powers, duties and compensation, fix the terms of said court, provide for fees, commissions, fines and forfeitures in said court, provide for juries in said court, provide for appeals to and from said court, provide for bills of exceptions, issuance and return of executions, the sheriff's duties, the payment of witnesses and jurors, and for the furnishing necessary books, blanks, and stationery for said court, and to repeal conflicting laws.

Also at the next session of the Legislature of Alabama, will be introduced a bill to detach Lee county from the Third Judicial Circuit, and to transfer the cases pending in the circuit court of Lee county and the jurisdiction to try and determine the same to the Lee county court of law and equity, and repeal conflicting laws.

Also, at the next session of the Legislature of Alabama, a bill will be introduced to detach Lee county from the Northeastern Chancery Division of Alabama, to transfer the cases pending in the chancery court of Lee county, Alabama, and the jurisdiction to try and determine the same, to the Lee county court of law and equity, and repeal conflicting laws.

Also, at the next session of the Legislature of Alabama, a bill will be introduced to abolish the county court of Lee county, transfer all cases pending therein, and the jurisdiction to try and determine the same, to the Lee county court of law and equity, and to repeal conflicting laws.

Lum Duke,  
A. E. Barnett,  
T. D. Power,  
R. C. Smith, Chairman.

Was published once a week for four consecutive weeks in said newspaper before making this affidavit.

H. M. Wilson.

Sworn to and subscribed before me this the 5th day of January, 1907.

Lum Duke,  
Notary Public for Lee county, Alabama.

H. 99. To repeal an act, to empower and require the county commissioners of Cullman county to make appro-

priations out of the general funds, to the fine and forfeiture fund of said county, approved September 29, 1903.

And sends the same to the Senate with notice and proof attached and herewith exhibited as follows:

#### LEGAL NOTICE.

Notice is hereby given that the following bill will be introduced into the next Legislature, viz.:

#### A BILL

To be entitled an act to repeal "An act, to empower and require the county commissioners of Cullman county to make appropriations out of the general funds, to the fine and forfeiture fund of said county," approved September 29, 1903.

Section 1. Be it enacted by the Legislature of Alabama, That an act to empower and require the county commissioners of Cullman county to make appropriations out of the general funds, to the fine and forfeiture funds of said county, approved September 29, 1903, be and the same is hereby repealed.

Dated this Dec. 4, 1906.

Geo. H. Parker.

The State of Alabama,     }  
Cullman County.            }

Before me, M. L. Robertson, a notary public in and for said county and State, personally appeared J. B. Bosson, who being duly sworn, on oaths says, that he is the editor and publisher of the Cullman Democrat, a weekly newspaper published at Cullman, in Cullman county, Alabama, and that the notice, of which a true copy is hereto attached, was published in said newspaper, once a week, for four consecutive weeks, being in the issues of said newspaper, as follows: December 6, December 13, December 20, and December 27, 1906.

J. B. Bosson.

Editor and Publisher.

Sworn and subscribed before me this fourteenth day of January, 1907.

M. L. Robertson,  
Notary Public.

H. 428. To authorize all incorporated towns and cities in Elmore county to establish and operate a dispensary or dispensaries in such incorporated towns or cities for the purpose of buying and selling spirituous, vinous and malt liquors, and to provide for the distribution of certain profits arising therefrom, and to further regulate or prohibit the sale of such liquors in said county.

And sends the same to the Senate with notice and proof attached and herewith exhibited as follows:

#### NOTICE OF LOCAL BILL.

Notice is hereby given that at the next session of the Legislature of Alabama, beginning on the second Tuesday in January, 1907, a bill will be introduced for passage substantially as follows:

#### A BILL

#### TO BE ENTITLED AN ACT

To authorize all incorporated towns and cities in Elmore county to establish and operate a dispensary or dispensaries in such incorporated towns or cities for the purpose of buying and selling spirituous, vinous and malt liquors, and to provide for the distribution of certain profits arising therefrom, and to further regulate or prohibit the sale of such liquors in said county.

Section 1. Be it enacted by the Legislature of Alabama that each incorporated town or city in Elmore county shall have authority to conduct and carry on in its corporate name, in its corporate capacity and through its legislative body, the business of buying and selling spirituous, vinous and malt liquors, subject to conditions and restrictions hereinafter mentioned. The place at which said business is carried on shall be called a dispensary. In each of said towns and cities, which has a population of ten thousand, or less, there shall be one dispensary, and only one. In towns or cities having a population greater than ten thousand, and not exceeding twenty

thousand, there may be two dispensaries. In general, there may be in each city a dispensary for every ten thousand of its population. Cities whose population is over twenty thousand, and between multiples of ten thousand, may have a dispensary for every ten thousand of its population, and an additional dispensary for the excess of its population, over the lower one of said multiples. The population of towns and cities shall be determined by the last preceding census. These dispensaries shall be carried on only within the corporate limits of such towns or cities. Each of said municipalities shall invest in said business a sum of money not less than three hundred dollars nor more than twenty-five hundred dollars, for each dispensary it may carry on. The liquor bought and sold as herein provided shall be of the purest and best quality.

Section 2. The office of dispenser is hereby created, and there shall be a dispenser for each dispensary that may be established. The first dispensers shall be elected within thirty days after the approval of this act, and their terms of office shall begin from the date of their election and shall continue until the first day of January, 1909. The terms of their successors in office shall be two years. Each dispenser shall hold office until his successor is elected and qualified.

Section 3. For the purpose of aiding as hereinafter prescribed in the selection of dispensers the court of county commissioners of said county shall meet at the court house of said county for the first selection within ten days after the approval of this act, and said court shall make each subsequent selection in a similar manner at any regular or called meeting of said court that may be held between the last day of September, 1908, and the 15th day of December of that year, and at any regular or called meeting of said court that may be held between the last day of September and the 15th day of December, every two years thereafter, and at such meetings said court of county commissioners shall select and furnish to the mayor or the chief executive of the incorporated towns or cities in said county the names of three times



as many men as the number of dispensaries to which the several towns and cities are entitled, specifying the men who are furnished or apportioned to each town or city in said county. These men so selected shall be residents of Elmore county, shall be twenty-one years of age, and shall be esteemed as honest, temperate, law-abiding citizens and competent to carry on a dispensary in said towns or cities. Within five days after being furnished with the names of said persons for the first selection and before the first day of each succeeding term of office herein provided for, the legislative body of said towns and cities shall from the names so furnished elect a dispenser or dispensers for their town or city. Each dispenser, under the direction and control of the town or city in which his dispensary is situated, shall buy and sell liquors and carry on the dispensary for the term of two years, and until his successor is elected and qualified. Provided, that the term of office of the dispensers under this act shall expire January 1st, 1909. Each town or city having a dispensary shall provide its dispenser with whatever money within the aforesaid limit, that it wishes him to use in conducting the business. Before entering upon the duties of his office each dispenser shall make affirmation before an officer authorized to administer oaths, that he will obey all laws of the State of Alabama, and of the town or city of which he is dispenser, relative to the sale, giving away or delivery of liquors, of any kind; he shall also before beginning business execute to his own town or city a bond conditioned for the honest and faithful discharge of his duties as such dispenser. Such bond shall have two sufficient sureties, and approved by the mayor or other chief executive of said town or city. For neglect of business, incompetency, misfeasance, or malfeasance in office, a dispenser may be impeached by the legislative or governing body of said town or city of which he is dispenser; and for cause to be judged of by said body, said dispenser may be removed from office. Whenever a vacancy in said office occurs in any town or city from any cause whatever, the mayor or chief executive of such town or city shall certify that

fact to the judge of probate of said county. Said judge shall immediately call a meeting of the court of county commissioners of his county, and said court shall furnish to the said mayor or chief executive for selection as aforesaid, to fill such vacancy, the names of three men having the aforesaid qualifications for a dispenser, and from these names the legislative body of said town or city shall elect at once a dispenser to fill the vacancy.

Section 4. The legislative or governing body of the towns and cities in which dispensaries may be carried on shall pay to their several dispensers a salary which shall be fixed by said body before the dispensers are elected. Said salary shall not be less than one hundred dollars per annum nor more than twelve hundred dollars per annum, and shall be paid in equal monthly installments on the first day of each month. Said legislative body shall not make or permit the amount of said salary to depend on the amount of sales that may be made by its dispenser or dispensers.

Section 5. The dispenser shall not sell any liquor of any kind in any quantity less than one-half pint. He shall not make more than one sale to the same person in one day, and he shall not make any sale between the hours of 6 p. m. of one day and 6 a. m. of the next day.

Section 6. Said dispenser shall not himself drink, consume or give away liquor of any kind or in any quantity on the premises on which said dispensary is conducted. Said dispenser shall not permit or suffer any person whomsoever to drink, consume or give away any liquor on said premises, but this section shall not be construed so as to prohibit the dispenser or some employee designated by him from sampling liquors which he may contemplate purchasing. Said dispenser shall report to the grand jury any one whom he believes to be guilty of violating the provisions of this section.

Section 7. Any person who drinks or consumes any liquor on said premises except as permitted in section six (6) of this act, shall be guilty of a misdemeanor and on conviction shall be fined not less than fifteen nor more than one hundred dollars.

Section 8. The dispenser shall not sell any spirituous, vinous or malt liquors or intoxicating drinks of any kind that are not contained in sealed packages. He shall not receive or keep any broken packages in his dispensary. If any original packages should be broken the contents shall be bottled and the bottle sealed.

Section 9. The dispenser shall buy and sell for cash only. He shall keep an accurate account of his purchases and the amount of each day's sales. He shall make to the legislative body of the town or city in which he is conducting a dispensary and to the probate judge itemized monthly reports giving full and accurate information as to the condition, expenses, profits, losses and status of the business. He shall make other and additional reports, oral or in writing, whenever and as often as the legislative body of his town or city or any member of said body may require. Subject to the provisions of this act, such legislative body shall regulate and control the conduct and management of said business. On the 30th day of September of each year beginning with the 30th day of September immediately succeeding the year in which said dispensaries shall be established, said cities and towns doing business under this act shall pay to the county superintendent of education of said county fifty per cent. of the net profits of the several dispensaries after deducting all the expenses of operating the dispensaries. The county superintendent of education of said county shall apply the funds so received by him to the township and district schools in said county in the same proportion as the public school fund of the State is distributed.

Section 10. No spirituous, vinous, or malt liquors or intoxicating drinks shall be sold in said county, except as herein provided. But nothing in this act shall be so construed as to prevent any person who manufactures spirituous, vinous or malt liquors in a brewery or distillery from selling the same by wholesale in sealed packages to dispensers or to liquor dealers who may be otherwise authorized to sell such liquor outside of said county. Any person who violates the provisions of this sec-

tion shall be guilty of a misdemeanor and on conviction shall be fined not less than fifty nor more than one hundred dollars, or sentenced to hard labor for the county for a period of not exceeding six months.

Section 11. The term legislative body where it appears in this act is intended to include the law making bodies of the towns and cities mentioned whether the said body is called mayor and aldermen, board of mayor and aldermen, council, town council, city council, intendent and town council, or by some other name.

Section 12. No gates, doors, windows or other openings shall connect any dispensary with any adjacent house or lot so as to permit ingress or egress into and out of such house or lot from and into the dispensary.

Section 13. Each dispensary severally operated under the provisions of this law shall annually pay into the treasury of the State the same license tax as is now required or may hereafter be prescribed by law to be paid by dispensaries in this State.

Section 14. This act shall not repeal nor effect in any manner the dispensary act passed or to be passed at this session of the Legislature for precinct number three of Elmore county.

Section 15. This act shall go into effect upon its approval by the Governor.

Section 16. All laws and parts of laws, whether general, special or local, that conflict with the provisions of this act are hereby repealed so far as the same relate to Elmore county, except as provided in section fourteen of this act.

LAMAR C. SMITH.

The State of Alabama, }  
Elmore County. }

Before me, B. K. McMorris, a notary public in and for said State and county, personally appeared H. R. Golsen, editor and publisher of The Weekly Herald, who being by me duly sworn deposes and says, that he is the editor and publisher of The Weekly Herald, a newspaper published in Elmore county, Alabama, and that he was such editor and publisher during the months of Decem-

ber, 1906, and January, 1907, and that the above and foregoing notice which is hereto attached and which gives notice of an intention to apply for the passage of a law authorizing all incorporated towns and cities in Elmore county to establish and operate dispensaries in such incorporated towns and cities, was published in the said Weekly Herald in the said county of Elmore for four consecutive weeks beginning on the 20th day of December, 1906.

H. R. Golson.

Sworn to and subscribed before me this the 21st day of Jan. 1907.

B. K. McMorris,

Notary Public.

Cyrus B. Brown,

Clerk.

#### HOUSE MESSAGE.

The House bills in the foregoing House message were severally read once and referred to appropriate standing committees, as follows:

H. 63. To finance and taxation.

H. 7, 138, 139. To local legislation.

H. 350, 428. To temperance.

H. 345. To mining and manufacturies.

H. 99. To revision of laws.

#### BILLS ON THIRD READING RESUMED.

The bill:

S. 126. To amend section 4319 of the code of Alabama of 1896.

Was read a third time at length and passed. Yeas, 23; Nays, 1.

Yeas:

Messrs.

Barbour	Gunn	Lowe	Reynolds
Blackmon	Hamburger	Lusk	Spragins
Davis	Hinson	Merritt	Strother
Doster	Horton	Moody	Teasley
Forrester	Jones	Overton	White
Gardner	Leith	Reid	

—23.

Nays, Mr. Wilson—1.

The bill :

S. 157. To provide for the payment out of the State treasury of salaries of judges of law and equity courts, city courts and other courts of general common law, equity and criminal jurisdiction, or either now existing or that it may hereafter be established by law, by whatsoever name called, exercising jurisdiction over a single county having a population of not less than twenty thousand, and taxable property of not less than three million five hundred thousand dollars.

Was taken up.

Mr. Spragins offered the following amendment, to-wit:  
To amend by adding an additional section as follows :

Sec. 3. All laws and parts of laws, general, local and special, in conflict with the provisions of this act are hereby repealed.

Which was adopted. Yeas, 20; nays, 5.

Yeas:

Messrs.

Barbour	Gunn	Leith	Reid
Blackmon	Hamburger	Lowe	Reynolds
Davis	Hinson	Lusk	Spragins
Forrester	Jones	Miller	Strother
Glenn	King	Moody	Thomas

—20.

Nays:

Messrs.

Bayles	Gardner	Overton	Wilson
Doster			

—5.

And the bill as amended was read a third time at length and passed. Yeas, 20; nays, 8.

Yeas:

Messrs.

Barbour	Hamburger	King	Moody
Blackmon	Hamner	Leith	Reid
Davis	Hayes	Lowe	Reynolds
Glenn	Heacock	Lusk	Spragins
Gunn	Hinson	Miller	Strother

—20.

Nays:

Messrs.

Bayles	Forrester	Merritt	Thomas
Doster	Gardner	Overton	Wilson

—8.

The bill:

S. 108. To provide for paying persons who are convicted of felonies where they appeal to the supreme court when the cause is reversed and remanded or rendered.

Was read a third time at length and passed. Yeas, 22; nays, 0.

Yeas:

Messrs.

Barbour	Gardner	Horton	Reid
Bayles	Glenn	Leith	Reynolds
Blackmon	Gunn	Lusk	Spragins
Davis	Hamburger	Moody	Strother
Doster	Hayes	Overton	Thomas
Forrester	Hinson		

—22.

#### RECONSIDERATION OF VOTE.

Mr. Strother moved to reconsider the votes by which Senate bill:

S. 157. To provide for the payment out of the State treasury of salaries of judges of law and equity courts, city courts and other courts of general common law, equity and criminal jurisdiction, or either now existing or that may hereafter be established by law, by whatsoever name called, exercising jurisdiction over a single county having a population of not less than twenty thousand, and taxable property of not less than three million five hundred thousand dollars.

Was passed and ordered to a third reading.

Which motion prevailed.

Mr. Gardner moved to make said bill a special order for Wednesday, Feb'y 6th, at 12 o'clock m.

Mr. Spragins made a motion to table Mr. Garner's motion, which motion was carried. Yeas, 14; nays, 12.

Yeas.  
Messrs.  
Blackmon      Hamburger      Lowe      Moody  
Davis      Hamner      Lusk      Reid  
Glenn      Heacock      Miller      Spragins  
Gunn      Leith

—14.

Nays:  
Messrs.  
Barbour      Forrester      Merritt      Strother  
Bayles      Gardner      Overton      Thomas  
Doster      Jones      Reynolds      Wilson

—12.

Mr. Lusk made a motion to recommit said bill to the committee on finance and taxation.

Mr. Spragins moved to table Mr. Lusk's motion, which was lost. Yeas, 12; nays, 15.

Yeas:  
Messrs:  
Blackmon      Hamburger      Heacock      Miller  
Glenn      Hamner      Leith      Moody  
Gunn      Hayes      Lowe      Spragins

—12.

Nays:  
Messrs:  
Barbour      Forrester      Merritt      Strother  
Bayles      Gardner      Overton      Thomas  
Davis      Jones      Reid      Wilson  
Doster      Lusk      Reynolds

—15.

And Mr. Lusk's motion prevailed and said bill was committed to the committee on finance and taxation.

#### RECOMMITTAL OF BILLS.

On motion of Mr. Miller, the reference of House bills Nos. 137, 138 and 139 were changed and they were committed to the committee on finance and taxation.



## NOTICE.

Mr. Forrester gave the Senate the following notice:

Notice is hereby given, that on Monday, the 4th day of February, 1907, motion will be made to order Senate bill 156, which was adversed by the committee on revision of laws, to a second reading to be placed on the calendar for a third reading.

B. A. Forrester.

## MESSAGE FROM THE HOUSE.

Mr. President:

The Speaker of the House having signed the following bill, your signature thereto is requested:

H. 84. To convert the surplus money of the fine and forfeiture fund of Choctaw county, Alabama, into a special court house fund, and to provide for the distribution of the same.

Cyrus B. Brown.  
Clerk.

## SIGNING OF BILLS.

The president of the Senate, in the presence of the Senate, immediately after it had been publicly read at length by the secretary, signed the above House bill, the title of which is set out in the foregoing message from the House.

## MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in the Senate amendment to the bill:

H. 9. To amend an act entitled an act to amend section 2937 of the code of Alabama, approved February 11, 1907.

Cyrus B. Brown,  
Clerk.

## ADJOURNMENT.

At 4:30 o'clock p. m. on motion of Mr. Spragins, the Senate adjourned until 10:30 o'clock tomorrow morning.

## SEVENTEENTH DAY.

Friday, February 1st, 1907.

The Senate met pursuant to adjournment.  
Prayer by Rev. Dr. Cox, of the city.

## ROLL CALL.

Present :  
Mr. President,  
And Messrs :

Barbour	Lowe	Leith	Reid
Bayles	Hamburger	Lusk	Reynolds
Blackmon	Hamner	Merritt	Spragins
Davis	Hayes	Miller	Strother
Doster	Heacock	Moody	Teasley
Forrester	Hinson	McWhorter	Thomas
Gardner	Jones	Overton	Wilson
Glenn	King	Reese	Wimberly
Gunn			

—33.

## JOURNAL.

On motion of Mr. Merritt, the reading of the journal of yesterday was dispensed with, and the same was approved.

## LEAVE OF ABSENCE.

Leaves of absence were granted to Messrs. Horton and White for today.

## PRIVILEGES OF THE FLOOR.

Privileges of the floor were extended to Messrs. W. B. Bowling, Wm. H. McClellan, Wm. Marks and Mr. Lacy for today.

## ORDER TO PRINT.

On motion of Mr. Reese, the secretary was directed to have 500 copies of,

S. 175. To further regulate and prohibit the dealing in future contracts in the State of Alabama.

Printed for the use of the Senate.

On motion of Mr. Strother, the secretary was directed to have 500 copies of,

S. 198. To provide for the classification of cities and towns in the State of Alabama, and for their incorporation, organization and government, and to define their powers, duties, liabilities and jurisdiction.

Printed for the use of the Senate.

#### REPORT FROM COMMITTEE ON ENGROSSED BILLS.

Mr. Spragins, chairman of the committee on engrossed bills, reported as follows:

The committee on engrossed bills report that they have examined the engrossed copies of Senate bills numbered 18, 26, 34, 106, 141 and 148, compared them with the original bills, respectively, and found them to be correct.

Feb. 1, 1907.

Robt. E. Spragins,  
Chairman.

And the same was adopted.

#### INTRODUCTION OF BILLS.

On the call of the districts, bills were introduced, read and referred to appropriate standing committees, as follows:

By Mr. Wilson:

S. 230. To provide for the collection, compilation and publication of statistics of cotton ginned within the State; to establish a bureau of cotton statistics, and to prescribe the duties and powers of such bureau; to make appropriation for the maintenance thereof; to require ginners to make reports thereto; and to fix penalties for the violation of the provisions of this act.

Finance and Taxation.

By Mr. Leith:

S. 231. To create the 15th judicial circuit of the State of Alabama; to fix the time of holding court therein and

to provide for the appointment of the judge and election of solicitor of said court.

Judiciary.

With notice and proof as follows:

#### NOTICE.

Notice is hereby given that at the next session of the Legislature of Alabama application will be made for the passage of an act providing substantially as follows:

An act to create a judicial circuit of the State of Alabama to be composed of the counties of Fayette, Lamar, Walker and Winston, to fix the time of holding courts therein and to provide for the appointment or election of a judge and solicitor of said court.

Sec. 1. Will provide for creating a circuit from the counties of Fayette, Lamar, Walker and Winston.

Sec. 2. Will provide for the election or appointment of a judge for said court.

Sec. 3. Will provide for the appointment or election of a solicitor for said court.

Sec. 4. Will provide for holding regular and special terms of circuit court in the counties of said circuit, and for organizing the court in the several counties thereof.

The State of Alabama, }  
Fayette County. }

Before me, Robt. T. Peters, N. P. and Ex-officio J. P., in and for said county and State, personally came R. J. Smith, who is personally known to me, and who is known to me to be publisher of the Fayette Banner, a newspaper published in Fayette, Fayette county, Alabama, who, being by me duly sworn, deposes and says, that the attached notice of the introduction of a bill in the Legislature of Alabama, to create a circuit out of the counties of Fayette, Lamar, Walker and Winston, and to fix the time of holding courts therein, was published once a week for four consecutive weeks in said newspaper before making this affidavit on this day.

R. J. Smith, Publisher Fayette Banner.

Sworn to and subscribed before me, this 28th day of  
January, 1907.

Robt. F. Peters,

Notary Public and Ex-officio J. P.

#### NOTICE.

Notice is hereby given that at the next session of the Legislature of Alabama, application will be made for the passage of an act providing substantially as follows:

An act to create a judicial circuit of the State of Alabama to be composed of the counties of Fayette, Lamar, Walker and Winston, to fix the time of holding courts therein and to provide for the appointment or election of a judge and solicitor of said court:

Sec. 1. Will provide for creating a circuit from the counties of Fayette, Lamar, Walker and Winston.

Sec. 2. Will provide for the election or appointment of a judge for said circuit.

Sec. 3. Will provide for the appointment or election of a solicitor for said circuit.

Sec. 4. Will provide for holding regular and special terms of circuit court in the counties of said circuit, and for organizing the court in the several counties thereof.

The State of Alabama, }  
Walker County. }

Before me, John A. Coleman, a notary public in and for said county and State, personally came Rufus A. Cooner, who, being by me first duly sworn, deposes and says that the attached notice of the introduction of a bill in the Legislature of Alabama, at the present session, to create a circuit out of the counties of Fayette, Lamar, Walker and Winston, and to fix the time of holding courts therein, was published once a week for four consecutive weeks in the Lamar Democrat, a newspaper published in Lamar county, next before the making of this affidavit on this day.

Rufus A. Cooner.

Sworn to and subscribed before me, this 31 day of January, 1907.

Jno. A. Coleman,

Notary Public.

## NOTICE.

Notice is hereby given that at the next session of the Legislature of Alabama, application will be made for the passage of an act providing substantially as follows:

An act to create a judicial circuit of the State of Alabama to be composed of the counties of Fayette, Lamar, Walker and Winston, to fix the time of holding courts therein and to provide for the appointment or election of a judge and solicitor of said court:

Sec. 1. Will provide for creating a circuit from the counties of Fayette, Lamar, Walker and Winston.

Sec. 2. Will provide for the election or appointment of a judge for said circuit.

Sec. 3. Will provide for the appointment or election of a solicitor for said circuit.

Sec. 4. Will provide for holding regular and special terms of circuit court in the counties of said circuit, and for organizing the court in the several counties thereof.

The State of Alabama, }  
Walker County. }

Before me, R. T. Knight, a justice of the peace in and for said county and State, before me personally came J. R. Gunter, who is known to me to be editor and publisher of the "Mountain Eagle," a newspaper published in Walker county, Alabama, at Jasper, Ala., who, being by me duly sworn, deposes and says, that the attached notice of the introduction of a bill in the Legislature of Alabama, to create a circuit out of the counties of Fayette, Lamar, Walker and Winston and to fix the time of holding courts therein, was published once a week for four consecutive weeks next before making this affidavit on this day.

J. R. Gunter,  
Ed. Mountain Eagle.

Sworn to and subscribed before me, this 24 day of January, 1907.

R. T. Knight,  
Justice of the Peace.

## NOTICE.

Notice is hereby given that at the next session of the Legislature of Alabama, application will be made for the passage of an act providing substantially as follows:

An act to create a judicial circuit of the State of Alabama to be composed of the counties of Fayette, Lamar, Walker and Winston, to fix the time of holding courts therein and to provide for the appointment or election of a judge and solicitor of said court:

Sec. 1. Will provide for creating a circuit from the counties of Fayette, Lamar, Walker and Winston.

Sec. 2. Will provide for the election or appointment of a judge for said circuit.

Sec. 3. Will provide for the appointment or election of a solicitor for said circuit.

Sec. 4. Will provide for holding regular and special terms of circuit court in the counties of said circuit, and for organizing the court in the several counties thereof.

The State of Alabama, }  
Walker County. }

Before me, John A. Coleman, notary public, in and for said county and State, personally came Rufus A. Cooner, who, being by me first duly sworn, deposes and says that the attached notice of the introduction of a bill in the Legislature of Alabama, at the present session, to create a circuit out of the counties of Fayette, Lamar, Walker and Winston, and to fix the time of holding courts therein, was published once a week for four consecutive weeks in the New Era, a newspaper published in Winston county, next before the making of this affidavit on this day.

Rufus A. Cooner.

Sworn to and subscribed before me, this 31 day of January, 1907.

Jno. A. Coleman,  
Notary Public.

By Mr. Leith:

S. 232. To repeal an act entitled an act to prohibit the sale, giving away or otherwise disposing of spirituous, vinous or malt liquors or any intoxicating bitters, within

four miles of the Tuscaloosa District High School, situated at Berry Station, Fayette county, Alabama.

Temperance.

With notice and proof as follows :

#### NOTICE.

Notice is hereby given of the intention to apply to the next ensuing session of the Legislature of Alabama, for the passage of the following act :

#### AN ACT

To repeal an act entitled "An act to prohibit the sale, giving away or otherwise disposing of spirituous, vinous or malt liquors or any intoxicating bitters within four miles of the Tuscaloosa District High School, situated at Berry Station, Fayette county, Alabama.

Section 1. Be it enacted by the Legislature of Alabama, That the act entitled, an act to prohibit the sale, giving away or otherwise disposing of spirituous, vinous or malt liquors or any intoxicating bitters within four miles of the Tuscaloosa District High School, located at Berry Station, Fayette county, Alabama, approved February 15th, 1897, is hereby repealed.

Sec. 2. Be it further enacted that this act shall take effect immediately after its passage.

The State of Alabama, }  
Fayette County. }

Before me, Robert F. Peters, notary public and ex-officio justice of the peace, in and for said county and State, personally came R. J. Smith, who is personally known to me to be the publisher of the Fayette Banner, who, being by me duly sworn, deposes and says, that the attached notice of the introduction of a bill in the Legislature of Alabama, to repeal an act, entitled an act to prohibit the sale, giving away or otherwise disposing of



spirituous, vinous or malt liquors, or any intoxicating bitters within four miles of the Tuscaloosa District High School, situated at Berry Station, Fayette county, Alabama, was published once a week for four consecutive weeks in said newspaper before making this affidavit on this day.

R. J. Smith,

Publisher Fayette Banner.

Sworn to and subscribed before me, this January 28th, 1907.

Robt. F. Peters,

N. J. & Ex-Officio J. P.

By Mr. Overton:

S. 233. To fix the time of holding the circuit court of Randolph county, and to fix the term for the same.

Judiciary.

By Mr. Thomas:

S. 234. To establish a law uniform with the laws of other States as to warehouse receipts.

Revision of Laws.

By Mr. Teasley:

S. 235. To create the office of assistant solicitor for the county of Montgomery, Alabama, in lieu of the present office of deputy solicitor for said county, prescribing his duties, fixing his salary and providing for the method of selection for said office.

Local Legislation.

With notice and proof as follows:

#### TO WHOM IT MAY CONCERN.

Notice is hereby given that a bill will be introduced at the next session of the Legislature of Alabama, creating the office of assistant solicitor for Montgomery county, Alabama, in lieu of the present office of deputy solicitor for said county, prescribing the duties of, fixing the salary of and providing for the method of selection for said office.

The State of Alabama, }  
Montgomery County. }

Before me, J. R. Graves Ivey, a notary public in and for said State and county, personally appeared

Brame Hood, who being first duly sworn, doth depose and say on oath, that he is the advertising manager of the Montgomery Journal, that the advertisement hereto attached has been published once a week for four (4) consecutive weeks, viz.: January 3rd, January 10th, January 17th, and January 24th, 1907, in the Weekly Journal, a newspaper published in Montgomery county, Alabama, that he knows the above facts of his own personal knowledge.

Brame Hood.

Sworn to and subscribed before me this 31st day of Jan., 1907.

J. R. Graves Ivey,  
Notary Public Montgomery, Ala.

By Mr. Hamburger:

S. 236. To alter, re-arrange and extend the corporate limits of the city of Mobile, Alabama.

With notice and proof as follows:

#### NOTICE.

Is hereby given of the intention to apply to the Legislature of Alabama for the passage of a special or local law for the city of Mobile, Ala.

The substance of the proposed law is for the extension of the city limits of said city, said limits to be substantially, as follows:

A bill to be entitled an act to alter and re-arrange the boundaries of the city of Mobile.

Section 1. Be it enacted by the Legislature of Alabama that the boundaries of the city of Mobile be and the same are hereby altered and re-arranged and from and after the passage of this act the boundaries of the city of Mobile shall be as follows:

Beginning at the southeast corner of township 4 south, range 1 west, St. Stephens meridian; thence running west along the south line of said township to a point where the same intersects Dog river; thence northwardly along the meanderings of Dog river to a point where the same intersects the west line of section 29, township 4 south, range 1 west; thence north along the west line of

section 29 and 20, township 4 south, range 1 west, to a point where said line intersects the south line of the right of way of the Mobile, Jackson and Kansas City railroad; thence northwestwardly along said south line of said right-of-way to a point where the same intersects Three-Mile creek; thence eastwardly, following the meanderings of said creek to a point where the same intersects the Mobile and Bay Shore railroad company's right-of-way; thence northwardly along the west line of said right-of-way to a point where the same intersects Canal street; thence northwestwardly along the west line of Canal street to a point where the same would intersect Eight-Mile creek if said street were extended; thence eastwardly, following the meanderings of said Eight-Mile creek to Gum Tree branch; thence southwardly, along the meanderings of said branch to a point where the same intersects the south line of section 28, township 3 south, range 1 west; thence due east to the range line of range 1 west, thence south to the place of beginning.

The State of Alabama, }  
 Mobile County. }

Personally appeared before me, Robert E. Gordon, a notary public in and for said State and county, Thomas B. Allman, who being by me first duly sworn, doth depose and say as follows: That he is the book-keeper for "The Daily Herald," a newspaper published in the city of Mobile, State of Alabama, every day except Saturday, and that as such book-keeper he knows of his own personal knowledge that the notice hereto attached appeared in the said Daily Herald for four consecutive weeks, beginning with December 21st, 1906, and appearing once a week thereafter for the said period of four weeks.

Thomas B. Allman.

Subscribed and sworn to before me this the 17th day of January, 1907.

Robert E. Gordon,  
 Notary Public, Mobile County, Ala.

By Mr. Reese:

S. 237. To provide for the manner in which assign-

ments and transfers of mortgages or liens or instruments in the nature of a mortgage or lien shall be executed, and to provide for the recording of such instruments and for the better satisfaction of such assigned or transferred recorded liens, mortgages or instruments in the nature of a mortgage or lien.

Revision of Laws.

By Mr. Blackmon:

S. 238. To authorize the probate court to correct errors in description of lands sold under order of probate court for division among tenants in common.

Judiciary.

By Mr. Spragins:

S. 239. To provide for the payment out of the State treasury of salaries of judges of law and equity courts, city courts and other courts of general common law, equity and criminal jurisdiction, or either, by whatsoever name called, now existing, or that may hereafter be established by law exercising jurisdiction over a single county having a population of not less than fifty thousand and taxable property of not less than seven million dollars.

Finance and Taxation.

By Mr. Overton:

S. 240. To provide for the legal enforcement in the courts of this State of any liability incurred in another State which is the subject of legal enforcement in such other State.

Commerce and Common Carriers.

Mr. Gardner, from rules committee, reported as follows:

Motion to make S. B. 219 special order for 12 m. of next legislation day referred to committee on rules, said committee reports herewith said motion favorably and moves that said bill be made exclusive special continuing order for 12 m. of the next legislation day.

Lucien Gardner,  
Chairman.

Which was adopted.

## REPORTS OF COMMITTEES.

The following bills were returned to the Senate from committees, each having been acted upon by the respective standing committees in session as, in each case, stated below, and were read a second time.

Mr. Lusk, from committee on judiciary, favorably:

S. 213. To amend section 2942 of the code of Alabama of 1896.

Also (with amendment.):

S. 215. To require all cotton mills throughout the State to erect, construct, and maintain adequate fire escapes on all buildings in which they do business in this State, and fix their liability and provide the punishment for a violation of the provisions of this act.

Also:

S. 219. To provide for revocation of the license or right to engage in or carry on the business of the transportation, originating and terminating in this State, of freight or passengers, of any foreign corporation which is now engaged, or which may hereafter engage, in such business, or the business of common carrier in this State, in the event such corporation shall for any of the purposes specified in this act, institute in any Federal court any suit or proceeding or shall remove or cause to be removed to any Federal court any suit or proceeding instituted in any State court for any of the purposes specified in this act.

Mr. Miller, from finance and taxation, favorably:

H. 325. To amend section 1876 of the code.

Also:

H. 357. To authorize the secretary of state to employ a stenographer for the office of secretary of state and insurance commissioner, and to fix the compensation therefor.

Mr. Strother, from committee on municipalities and municipal organizations, favorably:

S. 116. To amend sections two (2), three (3), five (5), six (6), seven (7), eight (8), nine (9), ten (10), thirteen (13) and fourteen (14) of an act entitled an act

to establish an inferior criminal court in the county of Mobile, approved February 23rd, 1899.

#### REPORT FROM COMMITTEE ON ENROLLED BILLS.

Mr. Moody, from the committee on enrolled bills, reported as follows:

The committee on enrolled bills have examined and compared Senate bill 54, and find the same correctly enrolled.

Frank S. Moody,  
Chairman.

#### SIGNING OF BILLS.

The President of the Senate, in the presence of the Senate, immediately after it had been publicly read at length by the secretary, signed the above Senate bill, the title of which is set out in the foregoing report from the committee on enrolled bills.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has amended as therein shown, and as amended, has passed Senate joint resolution relative to the adjournment of the Legislature from Friday, February 1st, 1907, until Monday, February 4th, 1907.

Said amendment being as follows:

Strike out the word "noon" and insert in lieu thereof "11 o'clock a. m."

Cyrus B. Brown.  
Clerk.

#### HOUSE MESSAGE.

On motion of Mr. Gardner, the Senate concurred in House amendment to Senate joint resolution.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has adopted the House joint resolution herewith sent:

H. J. R. 74. Resolved by the House, the Senate concurring, that the Speaker of the House and President of the Senate erase their signatures from,

H. 269. To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, for the interest on the public debt and for public schools.

In order that the same may be amended.

#### HOUSE MESSAGE.

The Senate concurred in the above and foregoing joint resolution, relative to the erasure by the Speaker of the House and President of the Senate of their respective signatures to H. B. 269.

#### MESSAGE FROM THE HOUSE.

Mr. President :

The House has passed the following Senate bills :

S. 5. To prescribe and regulate passenger rates on all railroads, other than street railroads, carrying passengers between points within the State of Alabama.

S. 129. To amend an act entitled "An act to regulate and provide for the trial of misdemeanors in Washington county, Alabama," approved February 21, 1899.

S. 158. To establish, maintain, regulate and make efficient a dispensary for Madison county, Alabama, located in the city of Huntsville.

And the Speaker of the House having erased his signature from the bill, H. 269. "To make appropriations for the ordinary expenses for the executive, legislative and judicial departments of the State, for the interest on the public debt and for public schools," under the House joint resolution heretofore adopted, the President of the Senate is requested to erase his signature from the above bill, H. 269.

#### HOUSE MESSAGE.

In compliance with the request contained in the foregoing message from the House, and pursuant to the

House joint resolution heretofore concurred in, the President of the Senate in the presence of the Senate, erased his signature from said House bill No. 269.

MESSAGE FROM THE HOUSE.

Mr. President:

The Speaker of the House, having signed the following bill, your signature thereto is requested:

H. 9. To amend an act entitled an act to amend section 2937 of the code of Alabama, approved Feb. 11, 1901.

Cyrus B. Brown,  
Clerk.

SIGNING OF BILLS.

The President of the Senate, in the presence of the Senate, immediately after its title had been publicly read by the secretary, signed the above House bill, the title of which is set out in the foregoing message from the House, the reading at length having been dispensed with on a two-thirds vote of a quorum of the Senate present.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has reconsidered the vote by which it concurred in the Senate amendments to the bill, H. 269, and has concurred in the Senate amendments to the bill, H. 269. "To make appropriations for the ordinary expenses for the executive, legislative and judicial departments of the State, for the interest on the public debt and for public schools."

And has concurred in Senate joint resolution No. 38.

Cyrus B. Brown, Clerk.

HOUSE MESSAGE.

On motion of Mr. Spragins, the Senate receded from its amendments to H. 269,

And, on motion of Mr. Miller, the vote by which said bill was passed was reconsidered.

Mr. Miller also moved to reconsider the vote by which



said bill was placed on its third reading, which motion was carried.

Mr. Miller then moved to reconsider the vote by which the Senate adopted said amendment, which motion was carried.

On motion of Mr. Miller, said amendment was withdrawn, and the following amendment was offered by Mr. Miller, to-wit:

Amend section one by striking out of sub-section 13 of section 1 the word "seventy" and inserting in lieu thereof the word "seven."

Amend by adding sub-section 41 to section one as follows. Sub-sec. 41. For the compensation of the State tax commissioner twenty-four hundred dollars for each year.

42. For the compensation of the commissioner of agriculture and industry twenty-one hundred dollars for each year, for compensation of two clerks in the office of the commissioner of agriculture and industry one at fifteen hundred dollars for each year and one at twelve hundred dollars for each year.

Amend by inserting the word "each" next after the words "twelve hundred dollars" where they occur in sub-division eleven, section one.

Further amend by adding at the end of sub-division eighteen, section one, the following words, "and for the expenses of the supernumary judge five hundred dollars for each year to be paid monthly."

Further amend by striking out the word "five" where it occurs in sub-section thirty-two of section one, and inserting in lieu thereof the word "three."

Further amend by striking out the words "three thousand five hundred dollars" where they occur in sub-section twenty-nine of section one and inserting in lieu thereof the words "four thousand dollars."

Which was adopted. Yeas, 24; nays, 0.

Yeas:

Messrs.

Barbour	Forrester	Heacock	Lusk
Davis	Gardner	Hinson	Merritt
Doster	Glenn	Jones	Miller

Moody	Reese	Spragins	Thomas
McWhorter	Reid	Strother	Wilson
Overton	Reynolds	Teasley	Wimberly

—24.

And the bill as thus amended was read a third time at length and passed. Yeas, 22; nays, 0.

Yeas:

Messrs.

Barbour	Hinson	Moody	Reynolds
Davis	Jones	McWhorter	Spragins
Forrester	Leith	Overton	Strother
Glenn	Lusk	Reese	Thomas
Hamner	Merritt	Reid	Wilson
Heacock	Miller		

—22.

#### ABSTRACT OF JOURNAL.

On motion of Mr. Reese, the secretary was requested to furnish to the chairman of the judiciary committee an abstract of today's Senate journal pertaining to House bill 269.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in the Senate amendment to the House bill,

H. 269. To make appropriations for the ordinary expenses for the executive, legislative and judicial departments of the State, for the interest on the public debt and for public schools.

Cyrus B. Brown,  
Clerk.

Mr. Gardner offered the following Senate joint resolution, to-wit:

S. J. R. 38. Be it resolved by the Senate, the House concurring, that the Senate committee on enrolled bills and the Senate committee on engrossed bills be and they are hereby authorized and empowered to employ one clerk between them, to serve both committees, and who shall receive a salary of \$4.00 per day, to be certified and paid as in case of other employees of the Legislature.

Which on a suspension of the rules was adopted.

## RESOLUTION.

Mr. Teasley offered the following Senate joint resolution:

S. J. R. 39. "Resolved by the Senate, the House concurring, that the enrolling and engrossing clerk of the Senate be requested to return to the Senate bill No. 47, for further consideration by this body."

Which resolution was adopted.

## INVITATION FROM THE PEOPLE OF MOBILE.

Mr. Hamburger, on the part of the people of Mobile, extended an invitation to the Legislature of Alabama to visit said city during the Mardi Gras festivities.

On motion of Mr. Bayles, said invitation was accepted by the Senate. Yeas, 14; nays, 11.

Yeas:

Messrs.

Barbour	Hamburger	Merritt	Reese
Bayles	Hayes	Miller	Reynolds
Blackmon	Hinson	Overton	Teasley
Glenn	Leith		

—14.

Nays:

Messrs.

Davis	Jones	Reid	Wilson
Gardner	Lowe	Spragins	Wimberly
Heacock	Lusk	Strother	

—11.

## ELECTION OF ASSOCIATE JUDGE OF THE CITY COURT OF

## MONTGOMERY.

On motion of Mr. Garner, the Senate proceeded to the election of the associate judge of the city court of Montgomery.

Mr. Gardner placed in nomination for associate judge of the city court of Montgomery, Hon. William H. Thomas.

Those who voted for Mr. Thomas are :

Messrs.

Barbour	Hamner	Merritt	Reynolds
Blackmon	Hayes	Miller	Spragins
Davis	Heacock	Moody	Strother
Doster	Hinson	McWhorter	Teasley
Forrester	Jones	Overton	Thomas
Gardner	Leith	Reese	Wilson
Glenn	Lusk	Reid	Wimberly

—28.

Mr. Thomas having received all of the votes cast, the same being a majority of the Senate, the President of the Senate declared Mr. Thomas duly and constitutionally elected associate judge of the city court of Montgomery for the term prescribed by law.

#### BILLS ON THIRD READING.

The bill :

H. 329. To appropriate the sum of eight thousand seven hundred and thirty-four dollars and fifty-seven cents (\$8,734.57) for the relief of the First National Bank of Montgomery, Alabama.

Was read a third time at length and passed. Yeas, 22; nays, 0.

Yeas :

Messrs.

Barbour	Hamner	Merritt	Reynolds
Davis	Hayes	Miller	Spragins
Forrester	Heacock	Moody	Strother
Gardner	Jones	McWhorter	Wilson
Glenn	Leith	Reid	Wimberly
Hamburger	Lusk		

—22.

The bill :

S. 210. To provide for the appointment of a joint committee to read and revise the manuscript of the new code, prepared by Hon. James J. Mayfield, and to prescribe its powers and duties and to fix the compensation of the committee and clerks and provide for their pay and expenses.

Was read a third time at length and passed. Yeas, 22; nays, 3.

Yeas:

Messrs.

Davis	Heacock	Moody	Spragins
Forrester	Jones	McWhorter	Strother
Gardner	Leith	Overton	Teasley
Glenn	Lusk	Reid	Wilson
Hamburger	Merritt	Reynolds	Wimberly
Hayes	Miller		

—22.

Nays, Messrs. Bayles, Blackmon, Reese.

—3.

The bill:

S. 137. Providing that no license or taxes of any character shall be required by the State, county or municipality from the Central Alabama Fair Association, or from those who conduct business under contract with it on its grounds during the time its annual fair is actually in progress.

Was read a third time at length and passed. Yeas, 18; nays, 9.

Yeas:

Messrs.

Bayles	Heacock	Overton	Wimberly
Doster	Hinson	Reese	Spragins
Gardner	Leith	Reid	Teasley
Hamburger	Merritt	Reynolds	Thomas
Hayes	Miller		

—18.

Nays, Messrs. Barbour, Davis, Forrester, Glenn, Lusk, Moody, McWhorter, Strother, Wilson.—9.

The bill:

S. 75. To amend section 2926 of the code of Alabama.

Was read a third time at length and passed. Yeas, 18; nays, 0.

Yeas:

Messrs.

Barbour	Doster	Hinson	Moody
Blackmon	Forrester	Leith	Overton
Davis	Gardner	Lusk	Reese

Reid	Spragins	Teasley	Wilson
Reynolds	Strother		

—18.

The bill :

S. 176. To divide Montgomery county into three revenue districts, make the members of the board of revenue elective by districts; fix their term of office, prescribe their qualifications; to provide for the appointment of members of said board until the next general election; to prescribe the method of filling vacancies; to provide a clerk for said board, fix his salary and prescribe his duties.

Was read a third time at length and passed. Yeas, 26; nays, 0.

Yeas :

Messrs.

Barbour	Hamner	Merritt	Reynolds
Blackmon	Heacock	Miller	Spragins
Davis	Hinson	Moody	Strother
Doster	Horton	McWhorter	Teasley
Forrester	Jones	Overton	Thomas
Gardner	Leith	Reid	Wilson
Glenn	Lusk		

—26.

The bill :

S. 113. To define vagrancy, and to provide for the proof and punishment thereof.

Was taken up.

The following amendment offered by the committee, to-wit :

Amendment No. 1. In line 31 of page 2 of the bill, insert the words "bona fide" before the words "attendance."

Amendment No. 2. Strike out the words in lines 33, 34, 35 and 36 and insert in lieu thereof, the following words: "Act where the burden of proof is placed upon the defendant, if the evidence introduced by the defendant is sufficient when considered together with all of the evidence in the case to raise a reasonable doubt as to his guilt, he should be entitled to an acquittal."

Amendment, No. 3. In line 1 of page 2 of the bill strike out the words, "over the age of sixteen years, and,"

Was adopted. Yeas, 14; nays, 7.

Yeas:

Messrs:

Forrester	Heacock	Reese	Spragins
Gardner	Hinson	Reid	Thomas
Hamner	Leith	Reynolds	Wilson
Hayes	McWhorter		

—14.

Nays:

Messrs:

Blackmon	Lusk	Moody	Teasley
Glenn	Miller	Overton	

—7.

Mr. Hamner moved to indefinitely postpone said bill, and on motion of Mr. Reese Mr. Hamner's motion was laid on the table.

And the bill, as thus amended, was read a third time at length and passed.

Yeas, 15; nays, 10.

Yeas:

Messrs:

Bayles	Gunn	Miller	Teasley
Doster	Hayes	Overton	Thomas
Forrester	Heacock	Reese	Wilson
Gardner	Merritt	Reynolds	

—15.

Nays:

Messrs:

Blackmon	Jones	Moody	Reid
Glenn	Leith	McWhorter	Strother
Hamner	Lusk		

—10.

#### PAIR VOTE ANNOUNCED.

Mr. Barbour announced that he and Mr. Davis had paired their vote on above bill. That if Mr. Davis was

was present he would vote yea, and he, Mr. Barbour, would vote nay.

#### CONSIDERATION OF SPECIAL ORDER.

The hour of 12 o'clock M. having arrived the Senate proceeded to consider the special order for this hour which was,

S. 44. To create a commission known as "The Railroad Commission of Alabama," define its duties and powers and provide mode of procedure, and prescribe penalties for violation of its orders.

The following substitute for said bill offered by the committee was taken up, to-wit:

#### A BILL

To be entitled an act, to create a Railroad Commisison to be known as the "Railroad Commission of Alabama," define its duties and powers and provide for its mode of procedure and prescribe penalties for violation of its orders.

Section 1. Be it enacted by the Legislature of Alabama, That a commission to be known as a Railroad Commission of Alabama, consisting of a president and two associates who shall be competent persons, and qualified electors of this State, is established; their terms of office shall be for four years; at the election to be held in the State on the first Tuesday after the first Monday in November, nineteen hundred and eight, and every four years thereafter, a president of said commission shall be elected, by the qualified electors of this State, and at the election to be held in the State on the first Tuesday after the first Monday in November, 1910, and every four years thereafter two associates, who with the president shall constitute said commission, shall be elected by the qualified electors of the State. The result of such election shall be ascertained, and declared by the same authority and in the same manner, as are the results of election for chief justice, and associate



justices of the supreme court; the persons elected to fill said offices shall enter upon the discharge of their respective duties on the first Monday in March after their election, and shall continue in office until their successors are elected and qualified. If any vacancy should occur in either of said offices, caused by death, resignation, or otherwise, the same shall be filled by appointment by the governor, the appointee holding for the balance of the unexpired term. Provided that no two of said railroad commissioners shall be elected, or appointed, from the same congressional district.

"Provided, further, that the members of the Railroad Commission elected in November, 1904, and November, 1906, shall continue to hold said offices, and that the terms of office of said members shall be and remain as prescribed by the act approved October 1, 1903, under which they were elected; and provided further, that in the event any person elected to the office of Railroad Commission at the election held in November, 1906, or any person hereafter elected to such office, shall fail or refuse from any cause to qualify for the office to which he was elected, the governor shall appoint to the office some person possessing the qualifications prescribed in this act, who shall discharge the duties of the office until the person elected qualifies; but if the person so failing or refusing to qualify shall be or become ineligible or disqualified from holding the office and shall fail or refuse to qualify, such failure or refusal shall be held to create a vacancy in the office, which vacancy shall be filled by appointment by the governor, the appointee to hold for the term for which the person so failing or refusing to qualify was elected.

Sec. 2. The commission shall be known as the "Railroad Commission of Alabama," and the members thereof shall be State officers and before entering upon the discharge of their duties, they shall take the oath of office prescribed for other State officers. The commission shall have a seal with the words "Railroad Commission of Alabama," with such emblem as the commission may prescribe.

Sec. 3. No person owning any stock in any railroad corporation, or in the employment of any railroad corporation or of any person, firm, company or association, owning or operating a railroad in this State shall be eligible to the office of railroad commissioner.

Sec. 4. Such commisisoners may be impeached and removed from office by the supreme court for the same causes and in the same manner as other State officers; and any commissioner who shall accept any gift, gratuity, emolument, or employment from any person, firm, corporation, company or association, owning or operating a railroad in whole or in part in this State during his continuance in office, except a permit for himself, or any employee of the commission, to pass over the railroad of such person, corporation, company or association, on official business, shall forfeit his office, and may be impeached and removed from office therefor, or for any other cause of impeachment.

Sec. 5. The president of such commission shall receive a salary of thirty-five hundred dollars per annum, and the associate commissioners shall receive a salary of three thousand dollars per annum, and they may employ a clerk at a salary not exceeding twenty-four hundred dollars per annum, and a stenographer at a salary not exceeding twelve hundred dollars per annum, and may employ such experts as may be necessary to perform any service it may require of them; provided, that the amount expended for such experts shall not exceed twenty-five hundred dollars in any one year; such salaries to be paid as the salaries of other State officers are paid. All money paid out under the provisions of this section, including such sum as may be necessary to procure office furniture and stationery, and to pay other office expenses shall be paid on warrants drawn by the auditor on the treasurer; but such office expenses shall not exceed five hundred dollars per annum.

Sec. 6. Such commissioners shall have an office at the capitol, and there meet on the first Monday in every month, and shall remain in session until all business before them is disposed of; and they shall hold other ses-

sions at such times and places as may be necessary for the proper discharge of their duty, or as the convenience of parties in the judgment of the commission may require; and they shall keep a record of all their proceedings, which shall be open at all times to the inspection of the public.

Sec. 7. The commission shall have power to adopt and publish rules to govern its proceedings, and to regulate the mode and manner of all investigations, and hearings before it, provided all hearings shall be open to the public.

Sec. 8. On, or before the 10th of October, of each year the Railroad Commission, through the president thereof, shall make to the governor, for transmission to the Legislature, a report of their acts and doings for the year ending on the thirtieth day of June, next proceeding, setting forth such facts as will disclose the actual workings of the transportation system of this State, and making such suggestion, as to them may seem appropriate and for the best interests of the State. Such reports may be made public immediately upon the filing of the governor.

Sec. 9. No railroad commissioner or clerk of the commission shall, during his continuance in office, personally, or through any partner, or agent render any professional service, or make or perform any business contracts for, or with any corporation, firm, company or association, or person owning or operating a railroad in this State, except contracts made in the capacity of such corporation, person, firm, company or association, or person as common carriers.

Sec. 10. The term "transportation company" as used herein shall mean, and embrace all corporations, companies, individuals, associations of individuals, their lessees, trustees, or receivers, that now, or may hereafter own, operate, manage or control as common carriers any railroad, or part of a railroad in this State; or any cars, or other equipment used thereon, or bridges, terminals, or side tracks used in connection therewith, whether owned by such railroad, or otherwise. The term

"transportation company" as used herein shall also mean and embrace express companies, car companies, and sleeping car companies, over all which the commission shall have the power of supervision and control.

Sec. 11. The provisions of this act shall apply to the transportation of passengers and property between points within this State, and to the receiving, switching, delivering, storing and hauling of such property, and to all charges connected therewith, and shall apply to all railroad corporations, express companies, car companies, sleeping car companies, freight and freight line companies, and to all associations of persons, whether incorporated or otherwise, that shall do business as common carriers upon or over any line of railroad, in whole or in part within this State, or partly by rail, and partly by water; but nothing in this act shall be construed as a regulation of or interference with interstate commerce.

Sec. 12. This act shall not apply to street and electric railroads engaged solely in the transportation of passengers within the limits of any one city, nor to logging or private railroads, not doing business as common carriers.

Sec. 13. Every transportation company is hereby required to furnish reasonably adequate service, and facilities, and the charges made for any service rendered, or to be rendered in the transportation of passengers, or property, or for any service in connection therewith, or for the receiving, switching, delivering, storing, or handling of such property shall be reasonable and just, and to that end the Railroad Commission of Alabama shall have the power, and be charged with the duty of supervising, regulating and controlling all transportation companies doing business in this State, in all matters relating to the performance of their public duties, and their charges therefor, and of correcting abuses therein by such companies; and the commissioners shall from time to time prescribe and enforce against said transportation companies, in the manner hereinafter authorized, such rates, charges, classifications of freight, storage, demurrage,

and car service charges, rules and regulations, and shall require them to establish and maintain all such public service, facilities and conveniences, as may be reasonable and just, which said rates, charges, classifications, rules, regulations and requirements the commission may, from time to time, alter or amend. Provided, however, that where the rates or charges for the transportation of any articles, or property or the classification of freight, have been fixed or prescribed by statute, the commission shall not have power to increase such rates or charges, or to change such classification in such manner as to increase such rates or charges. All rates, charges, classifications, rules and regulations adopted, or acted upon by any transportation company inconsistent with those prescribed by the commission, acting within the scope of its authority, or inconsistent with those prescribed by any statute, shall be unlawful and void.

Sec. 14. The Railroad Commission shall have the power and authority, subject at all times to the control of the legislature, of regulating railroad freight and passenger tariffs, the locating and building of passenger and freight depots, correction of abuses, preventing unjust discrimination and extortion, and requiring reasonable and just rates of freight and passenger tariffs;

Sec. 15. The commission shall have the authority to inquire into the management of the business of all transportation companies, and shall keep itself informed as to the condition, manner and method in which the same are conducted with reference to the security and accommodation of the public, and their compliance with their charters and the laws of this State. They shall have the right and power to obtain from any such company full and complete information necessary to enable the commission to perform its duties and carry out the objects for which it was created. And the commissioners in the performance of their duties shall have the right to pass free of charge on all the railroads of the State, and to take with them free of charge any person in their official employment. And the commission shall have the authority and is hereby required to enforce and *require* compli-

ance with all the provisions of all laws, now in force or hereafter enacted, regulating railroads and other transportation companies or prescribing the duties thereof.

Sec. 16. The Railroad Commission is hereby authorized to change any classification of railroads which has been, or may hereafter be, established by statute, from time to time as changed conditions may, in its judgment, render it expedient so to do, by taking a railroad from one class and placing it in another, and to assign to any class it may determine proper any new railroad that may hereafter be constructed or operated as a common carrier in whole or in part in this State. And said commission is further authorized and empowered to change any classification of articles which has been or may hereafter be established by statute when in its judgment it is reasonable and just so to do; provided, however, that such change shall not increase any rate prescribed or fixed by statute for the transportation of such articles or classes of articles.

Sec. 17. Nothing in this act shall be so construed as to authorize or empower the Railroad Commission to increase any rate or rates which have been or shall be established by statute for the transportation of freight or passengers, and said commission shall not have power to increase such rate or rates.

Sec. 18. In all cases in which the rate or rates for the transportation of freight or passengers has been or shall be established by statute, the Railroad Commission is hereby charged with the enforcement of such rates, and shall use all the powers granted to it by law to prevent and punish any violation of the statutes establishing such rates.

Sec. 19. The commission shall cause to be prepared suitable blanks for the purposes designated in this act, and shall when necessary furnish such blanks to each transportation company. Any such transportation company receiving from the commission any such blanks shall cause the same to be properly filled out, so as to answer fully and correctly any question therein propounded, and in case it fails to answer any question, it

shall state in said blank a good and sufficient reason for such failure, and said answers shall be verified under oath, by the proper officer of said transportation company, and returned to the commission at its office within the time fixed by the commission.

Sec. 20. The commission or any commissioner, or any person, or persons employed by the commission for that purpose shall upon demand have the right to inspect the books and papers of any transportation company, and to examine under oath any officer, agent or employee of such transportation company in relation to its business and affairs; provided that any person other than one of the commissioners who shall make such demand shall produce his authority to make such inspection under the hand of the commission, or of the secretary under the seal of said commission.

Sec. 20 1-2. Every transportation company doing business in this State must, on or before the first day of September of each year, make to the commission in duplicate in the manner prescribed, and upon blanks to be furnished by said commission, annual returns of the business of such transportation company, up to the close of its business on the thirtieth day of June next preceding, and any such transportation company failing to make such returns shall forfeit to the State fifty dollars for each day of such failure.

Sec. 21. The commission may require by order or subpoena, to be served on any transportation company in the same manner that a summons is served in a civil action in the circuit court, the production within this State, at such time and place as it may designate, of any books, papers, or accounts kept by such transportation company in any office, or place without or within the State of Alabama, or verified copies in lieu thereof, if the commission shall so order, in order that an examination thereof may be made by the commission, or under its direction. Any transportation company failing or refusing to comply with any such order or subpoena shall, for each day it shall so fail, or refuse, forfeit and pay into the State

treasury a sum of not less than one hundred dollars, nor more than one thousand dollars.

Sec. 22. Every person, corporation, company or association operating a railroad shall give notice to the commission of every accident happening on any portion of its line in this State, which is attended with death or maiming or other serious injury to the person of any one, within five days thereafter, giving facts and circumstances of such accident, which any one or more of the commissioners may investigate, and the result of such injury, with such details as they may deem necessary, shall be entered upon the record of the proceeding of the commission.

Sec. 23. Upon complaint of any person, firm, corporation, or association, or of any mercantile, agricultural, or manufacturing society, or of any body politic, or municipal organization, that any of the rates, fares, charges or classifications, or any joint rate or rates are in any respect unreasonable, or unjustly discriminatory, or that any regulation or practice whatsoever affecting the transportation of persons or property, or any service in connection therewith, are in any respect unreasonable or unjustly discriminatory, or that any regulation or practice whatsoever, affecting the transportation of persons or property, or any service in connection therewith, or in any respect unreasonable or unjustly discriminatory, or that any service is inadequate, the commission may notify the transportation company complained of that complaint has been made, and ten days after such notice has been given the commission may proceed to investigate the same as hereinafter provided. Before proceeding to make such investigation, the commission shall give the transportation company and the complainant ten days notice of the time and place when and where such matters will be considered and determined, and said parties shall be entitled to be heard, through themselves or their counsel, and shall have process to enforce the attendance of witnesses. If upon such investigation, the rate or rates, fares, charges, or classification, or any joint rate or rates, or any regulation,



practice or service complained of shall be found to be unreasonable, or unjustly discriminatory, or the service shall be found to be inadequate, the commission shall have the power to fix and order substitute therefor, such rate, or rates, fares, charges or classifications as it shall have determined to be just and reasonable, and which shall be charged, imposed and followed in the future, and shall also have power to make such orders respecting such regulation, practice, or service as it shall determine to be reasonable, and which shall be observed and followed in the future.

Sec. 24. The commission may, when complaint is made of more than one rate or charge order separate hearings thereon, and may consider and determine the several matters complained of separately, and at such time as it may prescribe. No complaint shall at any time be dismissed because of the absence of direct damage to the complainant.

Sec. 25. Whenever the commission may believe that any rate or charge may be unreasonable, or unjustly discriminatory, or that any service is inadequate, or that an investigation relative thereto should be made, it may on its own motion investigate the same. If after making such investigation of the commission becomes satisfied that sufficient grounds exist to warrant a hearing being ordered to determine whether the rate or charge so investigated is reasonable or unjustly discriminatory, or whether the service investigated is inadequate, it shall furnish the transportation company or companies interested a statement setting forth the rate, charge or service investigated, which said statement shall be accompanied by a notice fixing the time and place for hearing on such rate, charge or service, as the case may be. Notice may likewise be given to other parties in interest, and shall be given at least ten days in advance of any hearing, and thereafter proceedings shall be had and conducted in reference to the matter investigated pursuant to the provisions of section 23 of this act. This shall be construed to permit any transportation company to make a complaint with like effect as though made by any per-

son, firm, corporation or association, mercantile, agricultural, or manufacturing society, body politic, or municipal organization.

Sec. 26. Each of the commissioners for the purposes mentioned in this act, and in all hearings before it, shall have power to administer oaths, certify to official acts, issue subpoenas, compel the attendance of witnesses, and the production of papers, way bills, books, accounts, documents and stationery. In case of failure or refusal on the part of any person or persons, to comply with any order of the commission or any commissioner, or any subpoena, or on the refusal of any witness to testify to any matter regarding which he may be lawfully interrogated, it shall be the duty of any circuit court or city court in this State, or any judge thereof, on application of a commissioner, to issue an attachment for such person or persons, and compel them to comply with said order, or to attend before the commission and produce said documents, etc., and give his testimony upon such matters as may be lawfully required, and said court or judge shall have power to punish for contempt as in cases of disobedience of a like subpoena issued from such court, or a refusal to testify therein.

Sec. 27. Each witness who shall appear before the commission by its order shall receive for his attendance the fees and mileage provided for witnesses in civil cases in courts of record, which shall be audited and paid by the State in the same manner as other expenses are audited and paid, upon the presentation of proper vouchers, sworn to by such witnesses, and approved by the president of the commission; provided, that no witness subpoenaed at the instance of parties other than commissioners, shall be entitled to compensation from the State for attendance, or travel, unless the commission shall certify that his testimony was material to the matter investigated, and provided further that witnesses summoned on behalf of the transportation company shall be paid by said company.

Sec. 28. The commission may in any investigation cause the depositions of witnesses residing within or

without the State to be taken in the manner prescribed by law for depositions in civil actions in circuit courts, said deposition to be taken on a commission to be issued by the clerk of the Railroad Commission made returnable to the Railroad Commission of Alabama.

Sec. 29. A full and complete record of all proceedings before the commission on any investigation had, and all testimony shall be taken down by the stenographer appointed by the commission. Whenever any complaint is served upon the commission under provisions of section 36 of this act, the commission shall, before the said action is reached for trial, cause a certified transcript of all proceedings had and testimony taken upon such investigation, if any previous investigation has been had and testimony taken upon the subject or any of the matters complained of any plaintiff was a party to such investigation, to be filed with the clerk of the court when the action is pending. A transcribed copy of the testimony and proceedings of any specific part thereof, on any such investigation, taken by the stenographer appointed by the commission, being certified by such stenographer to be a true and correct transcript in long hand of all the testimony on the investigation, or of any particular witness, or of any specific part thereof, carefully compared by him with his original notes, and to be a correct statement of the evidence and proceedings had on such an investigation so purporting to be taken and transcribed, shall be received in evidence when offered by either party. A copy of such transcript shall be furnished on demand, free of cost to any party to such investigation. In the trial of said cause either party may offer any additional evidence it may see fit.

Sec. 30. Whenever upon an investigation made under the provisions of this act, the commission shall find any existing rate or rates or any regulation or practice whatsoever, affecting the transportation of persons or property, or any service in connection therewith unreasonable or unjustly discriminatory, or any service inadequate, it shall so determine, and by order fix a reasonable rate, fare, charge, classification or joint rate to

be imposed, observed and followed in the future in lieu of that found to be unreasonably or unjustly discriminatory, or inadequate, as the case may be, and it shall cause a certified copy of such order to be delivered to any officer, superintendent or station agent of the transportation company affected thereby, which order shall of its own force take effect and become operative twenty days after the service thereof. All transportation companies to which the order applies shall make such changes in their schedule on file as may be necessary to make the same conform to said order where such order relates to rate, fares, charges or classification, and no change shall thereafter be made by any transportation company in any such rates, fares or charges or classification, or joint rate or rates, or in the service or practice so ordered, without the approval of the commission. Certified copies of all other orders of the commission shall in like manner be delivered to the transportation company affected thereby, and the same shall take effect within such time thereafter as the commission shall prescribe.

Sec. 31. The commission may at any time upon notice to the transportation company, and after an opportunity to be heard, as provided in section 23 of this act, rescind, alter, or amend any order made by the commission fixing any rate or rates, fares, charges or classification, or any order made by the commission, and certified copies of the same shall be served and take effect as herein provided for original orders.

Sec. 32. Whenever the rate or charge ordered substituted by the commission shall be a joint rate, or charge and the transportation company or companies effected thereby, shall fail to agree upon the apportionment thereof within twenty days after the service of such order, the commission may, after a hearing, issue a supplemental order declaring the appointment of such joint rate or charge, and the same shall take effect of its own force as part of the original order.

Sec. 33. When any transportation company shall refuse or neglect to establish a joint rate or rates for the

transportation of persons or property, the commission may upon notice to such transportation company or companies, and after an opportunity to be heard, as provided in section 23 of this act, fix and establish such joint rate or rates, and if the transportation companies, parties thereto, shall fail to agree upon the apportionment thereof within twenty days after the service of such order, the commission may upon like hearing, issue a supplemental order in declaring the apportionment of such joint rate or rates and the same shall take effect of its own force as part of the original order.

Sec. 34. In cases relating to the fixing, regulating or prescribing of joint rates of two or more transportation companies, such transportation companies may be joined in one proceeding before the commission.

Sec. 35. All rates, fares, charges, classifications and joint rates and orders establishing rules, regulations, practices or services, fixed by the commission shall be in force and shall be prima facie reasonable until finally found otherwise in an action brought for that purpose pursuant to the provisions of section 36 of this act, or until changed by the commission.

Sec. 36. Any transportation company, or company, corporation, or individual owning or operating as a common carrier any railroad in whole or in part in this State, desiring to contest the validity or fairness or reasonableness of any rate or rates, or of any order of the commission fixing or relating to any rate or rates, of compensation for the transportation, originating and terminating within the State, of articles or passengers, or any other rates or charges, or any order relating thereto, or any order fixing any regulations, practices, or service or acts to be observed or performed by such companies, corporation or persons, may institute an action to contest such rate or rates or such order or orders. Such action if instituted in a State court, shall be commenced by filing a complaint or bill or petition in the circuit or chancery court of Montgomery county, or other court in said county having concurrent jurisdiction with said circuit or chancery court, making the railroad commission of Alabama de-

fendant therein, and alleging wherein the rate or rates or order or orders complained of are invalid or unfair or unreasonable, and in said petition, bill or complaint the validity, fairness or reasonableness of the respective rates on any number of articles or classes of articles, or any number of rates for the transportation of passengers, or any number of orders of said commission fixing any such regulations, practices or services, may be contested; provided, however, that an order fixing such regulations, practices or services and an order fixing rates for such transportation of freight or articles shall not be contested in the same proceeding; nor shall an order fixing rates for the transportation of passengers be contested in a proceeding to contest either of the aforesaid orders. A copy of said complaint, bill or petition shall be served on the railroad commission, or any member thereof, with the summons, and the defendant shall plead, answer or demur to the complaint, bill or petition within thirty days after service thereof.

Said cause shall have precedence over any other cause pending in said court, except criminal actions, and shall be tried under the same rules and regulations as are or may be prescribed by law for the trial of other civil or chancery suits in said court, except as may otherwise be provided in this act, and except that the rates or orders complained of shall be *prima facie* presumed to be valid, fair and reasonable. If the court shall decide that the rates or orders complained of, or any of them, are invalid or unfair or unreasonable, it shall render a judgment or decree annulling or suspending the same. The rate or rates or order or orders complained of shall remain in force and be observed as the established rates or orders for the period of thirty days after the rendition of said judgment or decree, which period shall be allowed for an appeal from said judgment; provided, however, that if, before the expiration of said thirty days sue out an appeal to the supreme court from said judgment or decree shall be sued out by either party, said rates or orders shall remain in force and be observed until the same shall be annulled by

the supreme court, or until the same shall be suspended in the manner provided in section 37 of this act.

Sec. 37. Either party may appeal to the supreme court of Alabama from the judgment or decree or the lower court, the appeal to be taken within thirty days from the rendition of said judgment or decree, under the same rules and regulations as are or may be provided by law for appeals from said court, except that the railroad commission, if it shall appeal from a judgment or decree annulling or suspending any of said rates or orders, shall not be required to give any security for the costs of said appeal or any bond or undertaking to supersede said judgment or decree. Said appeal of the railroad commission, without such bond, shall have the effect of superseding said judgment or decree, and the rate or rates or order or orders complained of or annulled or suspended by said judgment or decree shall be and remain the established rates or orders, and shall be so regarded and observed, until said judgment or decree shall be affirmed and said rates or orders annulled or suspended by the supreme court; Provided however, that if the appellee shall desire to have the rate or rates for the transportation of freight complained of, or order of the railroad commission fixing such rate or rates for the transportation of articles or classes of articles suspended pending said appeal, said appellee shall file with said railroad commission a good and sufficient bond with two sureties payable to the State of Ala., in the sum of twenty-five thousand dollars where the railroad of appellee within the State is less than fifty miles in length, and in the sum of fifty thousand dollars, where said railroad is fifty miles or more in length, or in such sum as the railroad commission may fix where appellee is a transportation company, other than a railroad company, conditioned to make and file with said railroad commission a sworn statement every three months pending said appeal, showing the articles of freight subject to the rates complained of, or annulled or suspended carried over its road during the preceding ninety days, together with the names of the shippers and consignees, the dates of shipment, the points

of consignment and destination, and the freight charged and received thereon ;and conditioned to file an additional bond, of like amount and conditions, with said railroad commission whenever the difference between the aggregate freights charged and received for the transportation of said articles and the aggregate freight which it would have been entitled to charge and receive for such transportation if calculated or based upon the rates complained of or annulled, equals or exceeds the penalty or amount of said bond; and conditioned further to pay to the State of Ala., in the event the said judgment or decree annulling or suspending said rates shall be reversed by the supreme court or be reversed as to any of the rates annulled or suspended by the lower court, the difference between the aggregate freight charged and received for the transportation of those articles the rates for the transportation of which shall be, by such judgment of reversal by the supreme court, affirmed or sustained by said court, and the aggregate freights which the appellee would have been entitled to charge and receive for such transportation if calculated according to or based upon the rate or rates complained of. Said bond shall be collectible, by suit or otherwise, only by the State of Alabama by direction of the Governor. From the time the bond first mentioned shall be filed as aforesaid the judgment appealed from shall be operative and the rate or rates annulled by said judgment shall be suspended; Provided, however, that a failure to file with said railroad commission any of the sworn statements in this section provided for within twenty days after the same shall have been demanded in writing by said railroad commission, or a failure to give any additional bond in this section provided for within fifteen days after the same shall have been demanded in writing by said commission, shall eo instanti revive again suspend said judgment or decree appealed from, and the rate or rates annulled or suspended by said judgment or decree shall be restored and enforced until the same shall be annulled by the supreme court. The notice or demands for said statements or bonds above provided for may be given by registered let-



ter addressed to any superintendent or managing agent or officer of appellee in this State or without the State.

Said cause and any appeal provided for in this act, shall have precedence over any other cause in the supreme court, and shall be advanced on the docket upon the application of either party, so that the same may be given a speedy hearing.

Sec. 38. No preliminary injunction or interlocutory order or decree or process suspending or restraining or affecting the enforcement of any rate or rates, or order of the railroad commission fixing any rate or rates, of compensation for the transportation, originating and terminating within the State, of any article or of passengers, or any charges for any service, or any order establishing any regulations, rules, practices or services to be observed by any railroad or transportation company or person, company or corporation operating any railroad as a common carrier or engaged in the business of transporting freight or passengers as common carriers, shall be granted by any judge or court except upon hearing after at least five days notice to the railroad commission of Alabama. And no judge or court shall grant any preliminary injunction or interlocutory order or decree or process suspending or restraining any rate or rates or order of the railroad commission fixing any rate or rates for the transportation of freight or passengers, or order establishing any rules, regulations, practices or services to be observed by such person, company or corporation, or the enforcement of any such rates or orders without requiring as a condition precedent to the issue of such injunction, decree, order or process, that the company, corporation or person seeking the same shall, if the injunction or restraining order applied for is for the purpose of restraining the enforcement of any rate established for the transportation of articles of freight, execute and file with said railroad commission a good and sufficient bond with two sureties, payable to the State of Alabama, in the sum of twenty-five thousand dollars when its railroad within the State is less than fifty miles in length and in the sum of fifty thousand dollars when the railroad with-

in the State is 50 miles or more in length, or in such sum as the judge or court may fix where the injunction is sought by a transportation company other than a railroad company, conditioned to make and file with said railroad commission a sworn statement every three months during the continuance of said injunction or restraining order, showing the articles of freight subject to the rates complained of or suspended or enjoined carried over its road during the preceding ninety days, together with the names of the shippers and consignee, the dates of shipments, the points of consignment and destination and the freights charged and received thereon, and conditioned to file an additional bond of like amount and conditions, with said railroad commission whenever the difference between the aggregate freights charged and received for the transportation of said articles and the aggregate freights which it would have been entitled to charge and receive for such transportation if calculated according to or based upon the rate or rates complained of or suspended or enjoined, equals or exceeds the amount or penalty of said bond; and conditioned further to pay to the State of Alabama, in the event said injunction or restraining order shall for any reason be dissolved or vacated, or cease to be operative, in whole or in part, the difference between the aggregate freights charged and received for the transportation of those articles shipped during the continuance of said injunction, the injunction or suspending of the rates on which has been dissolved or vacated or has ceased to be operative, and the aggregate freights which it would have been entitled to charge and receive for such transportation if calculated according to or based upon the rates enjoined or suspended. Said bond shall be collectible, by suit or otherwise, only by the State of Alabama by the direction of the governor. A failure to file with said railroad commission any of the sworn statements provided for in this section within twenty days after the same shall have been demanded in writing by said railroad commission, or a failure to give any additional bond in this section provided within fifteen days after the same shall have been demanded in

writing by said commission, shall ipso facto immediately vacate and render null and void such injunction or restraining order or decree without any further order of the court or judge granting the same, and the rates which, or the enforcement of which, were enjoined or restrained or suspended shall at once be revived and in force. The notices or demands above provided for in this section may be given by registered letter addressed to any superintendent or managing agent or officer of the company, corporation or person at whose instance said injunction or restraining order was granted, in this State or without the State.

If the injunction or restraining order applied for is for the purpose of restraining or suspending the enforcement of any order of said railroad commission establishing any rate or rates for the transportation of passengers, or the enforcement of any order establishing any rules, regulations, practices or services or acts to be observed or performed by such person, company or corporation, the bond that shall be required to be given as a condition precedent to the issue of such restraining order or injunction shall be filed with the clerk of said court, payable to the state of Alabama in such sum as the court or judge granting said order shall fix, and conditioned to pay all such damages as any person, firm, company or corporation shall sustain by reason of the enjoining or restraining of the enforcement of such order or orders, in the event said injunction shall be dissolved or vacated or for any reason cease to be operative. Any person, firm, company or corporation, who shall sustain any loss, injury or damage by reason of any injunction or restraining order may sue on said bond in the name of the State of Alabama for his use and recover such damages as he may have sustained, including any overcharge or excess rate or charge paid by him on account of the suspension of said rates, charges or orders. Immediately after the dissolution or vacating of said injunction or restraining order or upon the same ceasing for any reason to be operative and in force, said bond shall be delivered to the rail-

road commission, and a copy of said bond, duly certified by the clerk of the court, while it is in his custody, or by the secretary or chief clerk of the railroad commission of Alabama or any member of said commission when in its custody, under the seal of said commission shall be received in evidence without further proof.

Sec. 39. Any rate or rates affecting the transportation of persons or property, or any service, or practice whatsoever in connection therewith, fixed by the commission, when approved or confirmed by the judgment of the circuit court or city court, or chancery court, shall be and remain the established rate, service, or practice, and shall be so observed and regarded by the appealing transportation company until the same shall be annulled or suspended by the final judgment of the supreme court, if there shall be an appeal thereto, or suspended in the manner in this act provided, or, if no appeal, until changed by the commission.

Sec. 40. In all suits instituted by transportation companies to contest the validity or fairness and reasonableness of any rate or order of the railroad commission, if the trial court shall find that the rate or order complained of is valid or fair and reasonable, its judgment or decree shall so declare and shall direct and order the plaintiff to put said rate or order in force and observe the same; and if the supreme court shall upon appeal affirm the judgment or decree appealed from or shall by its opinion sustain said rate or order, its judgment shall likewise contain such order.

Sec. 41. It no suit shall be instituted, as provided in section 36 of this act, to contest the validity or fairness or reasonableness of any rate or charge or order established by the railroad commission or any rate established by statute, or any rate made the maximum rate by statute within twenty days after the date fixed by the commission for said rate or order to be and become effective or within twenty days after said rate established by or made the maximum rate by statute has become effective, and the transportation company affected by such rate or order, shall fail or refuse to put said rate or order in force

after the expiration of said twenty days, it shall be the duty of the railroad commission, through its president, to certify to the attorney general the fact of such failure or refusal, together with a certified copy of the order made by the commission in such matter, whereupon it shall be the duty of the attorney general, or some attorney-at-law by the governor appointed for the purpose, to immediately apply to any court of competent jurisdiction, or judge thereof, in any county or any circuit in which such transportation company may have an agent, for a peremptory writ of mandamus or a mandatory injunction to compel such transportation company to put such rate or order in force and obey and observe the same; and if the court or judge shall find that the rate or order of the commission was valid or reasonable and just, such peremptory mandamus or mandatory injunction shall be granted. Either party shall have the right to appeal to the supreme court from the judgment of the trial court in such proceeding, said appeal to be taken within thirty days. If the transportation company desiring to take an appeal from the judgment or order of the trial court granting said writ of mandamus or mandatory injunction, it shall give a bond with two sureties, to be approved by the clerk of said court, which bond shall be in the same amount and with like conditions, and payable as, the respective bonds provided for in section 37 of this act and the failure of the transportation company to file the statements or any of them provided for in said section, as required therein, or to give the additional bonds, or any of them, as required therein, shall immediately revive the judgment or order appealed from, and said judgment or order shall be at once enforced as other judgments or orders of like kind may be enforced, notwithstanding said appeal. The governor shall have authority and power to employ or appoint special counsel to institute and prosecute, or assist the attorney general in instituting and prosecuting the proceedings provided for in this section.

Sec. 42. In the trial of any cause provided for or arising under this act, or any cause in which is involved the

validity, fairness or reasonableness of any rate or charge or order of any kind made and established by the railroad commission, such rates or charges or orders shall be prima facie presumed to be valid, fair and reasonable until the contrary is shown; and the burden shall be on the party attacking said rates or orders to show that same are invalid or unfair and unreasonable.

Sec. 43. If any foreign corporation or corporations deriving its existence solely from the laws of another State, government or country, owning, operating, leasing or managing, as a common carrier, any railroad in whole or in part in the State of Alabama, or any such foreign corporation engaged in any business in this State relating to or connected with the transportation of freight or passengers, over which business and corporation the railroad commission of Alabama has any supervision or control under the provisions of this act, shall without the consent of the adversary party, institute in any Federal court any suit, action or proceeding of any kind having for its object the annulment, suspension, injunction, or restraining of, or in any way affecting, any rate or charge, or any order establishing any rate or charge, made by the railroad commission or any rate or charge established by statute, or any rate which has been made a maximum rate by statute, or any order of said commission or provision of law establishing any rules, regulations, practices or service, or relating thereto, or acts, or duties to be observed or performed by transportation companies, or the enforcement of such rates, charges or orders, or to have this act or any provision thereof declared invalid; or shall become a joint actor in such proceeding with any other person, company or corporation, or shall voluntarily become a party therein; or shall if any such foreign corporation shall without the consent of the adversary party thereto remove or cause to be removed to any Federal court any action, suit or proceeding of any kind instituted against it in a State court by or in behalf of the railroad commission of Alabama, or the State of Alabama, to compel obedience to and observance of any order of said commission, or any rate or

charge established by it, or any action, suit or proceeding of any kind instituted by said railroad commission of the State of Alabama, or by any person, firm, company or corporation to recover for the breach of any bond or undertaking, given by such foreign corporation in pursuance of any of the provisions of this act, or to recover for any excess rate or charge made and received by it in violation of the provisions of this act, or to recover any penalty or forfeiture for which it is made liable under the provisions of this act, such acts or either of them of said foreign corporation shall ipso facto forfeit its right or license to engage in or carry on the business of transportation, originating and terminating within this State, of property or persons, and its license or right to engage in such business shall be ipso facto revoked.

Sec. 44. If upon the trial of any cause of action originating under this act, it shall be determined by the court that the order of the commission was invalid or unreasonable, or unjust and should not be performed, the costs of said court may in the discretion of the court be taxed against the State or the transportation company or companies involved in said suit. If on the hearing the court should find in favor of said railroad commission, then the costs of said suit shall be paid by the transportation company or companies by or against which the proceedings were instituted. If costs are ordered taxed against or paid by the State the same shall be paid upon the approval of the trial judge by a warrant drawn by the auditor upon the State treasurer.

Sec. 45. If any transportation company doing business in this State or its agent or employee is guilty of making or demanding or receiving any charge for the transportation of persons or property, or for any service pertaining to or connected therewith, in excess of that prescribed by the railroad commission as by this act authorized, and after due notice of such violation given to the president or managing officer or any superintendent thereof in this State, and if ample and full recompense for the wrong or injury thereby to any person, firm, company or corporation, shall not be made with 60 days from

the time of such notice, such transportation company shall forfeit for each offense of not less than fifty dollars nor more than one thousand dollars, to be fixed by the court. An action for the recovery of said penalty shall be in any circuit court in any county in the State where such violation has occurred or wrong has been perpetrated, and it shall be in the name of the State of Ala. The commissioners shall have the power to order the institution of such action through the attorney general, or the solicitor of the circuit in which the wrong is perpetrated or on such other attorney at law as the governor may appoint, on the complaint or petition or request of the person aggrieved.

Sec. 46. This act shall not have the effect to release or waive any right of action by the State or by any person, or any right, penalty or forfeiture, which may have arisen, or which may hereafter arise under any law of this State; and all penalties and forfeitures incurred under this act shall be cumulative and a suit for the recovery of one shall not be a bar to the recovery of any other penalty.

Sec. 47. A substantial compliance by the railroad commission with the requirements of this act shall be sufficient to give effect to all the rules, orders, acts and regulations of the commission, and they shall not be declared inoperative, illegal or void for any omission of a technical nature, in respect thereto.

Sec. 48. Whenever, after hearing and investigation, as provided by this act, the commission shall find that any charge, regulation or practice affecting the transportation of passengers or property, or any service in connection therewith not hereinbefore specifically designated, is unreasonable, or unjustly discriminatory, it shall have the power to regulate the same as provided in sections 23 and 25, of this act.

Sec. 49. The commission shall have the power, and it is hereby made its duty, to investigate all complaints filed with them of the violation by the transportation companies doing business in this State, of the rules, orders, and regulations of the interstate commerce commis-



sion, and when, in their opinion, the rates or charges of such transportation companies are excessive or discriminatory, or are levied in violation of the interstate commerce law, the commission shall present the facts to the transportation company with a request to make such changes, as the commission may advise, and if such changes are not made within a reasonable time the commission shall apply by petition to the interstate commerce commission for relief.

Sec. 50. The commission shall have the power, when deemed by it necessary to prevent injury to business, or in the interest of the people of this State, in consequence of any interstate rate wars, or inequality of interstate rates, or in case of any other emergency, to be judged by the commission, to temporarily alter, amend, or suspend except as otherwise provided by law, any existing passenger rate, freight rates, schedules, and orders on any railroad or part of railroad in this State, and such rates made by the commission shall apply on one or more railroads of this State, or any portion thereof, as may be directed by the commission and shall take effect at such time, and remain in force for such length of time as may be prescribed by the commission.

Sec. 51. Whenever the railroad commission shall make an order, issue any subpoena, notice or writ, notice thereof may be served on the person, or corporation, by delivering a copy of such order, subpoena, notice or writ, signed by or in the name of the president of the railroad commission to any such person, or to the president or other head of such corporation, or secretary, cashier, station agent, or any other agent of said corporation, which service may be executed by any member of the railroad commission, or the clerk thereof, or by any sheriff of the State, and a copy of such order, subpoena, notice or writ, with the service endorsed thereon, must be returned to the railroad commission and entered on record, as a part of the proceedings, and such endorsement shall be prima facie evidence that said order, subpoena, notice or writ has been duly served.

Sec. 52. It shall be the duty of the attorney general

to represent the railroad commission in any and all legal proceedings instituted by or against it, and to institute any legal proceedings which said commission may request or deem necessary to enforce the provisions of this act or compel obedience to and observance of the same by any person, firm, company or corporation upon whom such obedience or observance is therein imposed. And the governor is hereby authorized and empowered to employ any special counsel to institute or defend such legal proceedings, or to assist the attorney general therein, and to contract with said special counsel concerning a reasonable compensation for his or their services, which compensation shall be paid out of the State treasury on a warrant drawn by the auditor on the State treasurer upon approval by the governor. No expenses incurred in such proceedings, or in any investigation by the commission, shall be deemed a part of the office expenses of the commission within the meaning of section 5 of this act.

Sec. 53. If any section or subdivision or provision of this act, for any reason, be or be held by any court of competent jurisdiction and of final resort, to be invalid, inoperative or void, the residue of the act shall not be thereby invalidated or affected.

Sec. 54. This act shall go into effect from and after its passage, and all laws and parts of laws inconsistent or in conflict with the provisions of this act shall be, and the same are hereby repealed.

Mr. Lusk offered the following amendment to said substitute:

Add after section 26:

Section 26 1-2. No person shall be excused from attending and testifying or from producing books, papers, tariffs, contracts, agreements and other documents before the railroad commission, or in obedience to the subpoena of the commission, whether such subpoena signed or issued by one or more of the members of the commission, in any investigation held by or before the commission, or in any cause or proceeding in any court by or against the railroad commission provided for in this act, on the ground or for the reason that the testimony or

evidence, documentary or otherwise, required of him, may tend to incriminate him or subject him to a penalty or forfeiture. But no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing, concerning which he may be required to testify or produce evidence, documentary or otherwise, before said commission, or in obedience to its subpoena, or in any such cause or proceeding: Provided, that no person so testifying shall be exempt from prosecution and punishment for perjury committed in so testifying.

And amend section 37 by adding the following :

Provided further, That if the appeal be from a judgment or decree annulling or suspending any rate or rates, established for the transportation of passengers, or from a judgment or decree annulling or suspending any order or orders establishing or requiring any rules, regulations, practice or service to be observed by appellee, and if appellee shall desire to have said rates or orders or any of them suspended, pending said appeal, it shall file with said railroad commission a good and sufficient bond with two sureties in such sum as the railroad commission shall fix, payable to the State of Alabama, and conditioned to pay all such damages as any person, firm, company, or corporation may sustain by reason of the suspension of said rates or orders, in the event said judgment or decree of the lower court shall be reversed in whole or in part or said rates or orders, or any of them, shall be sustained by the supreme court. From the time said bond is given and said rates or orders complained of and annulled shall be suspended, any person, firm, company or corporation who shall sustain any loss, injury, or damage by reason of the suspension of said rates, orders or any of them as aforesaid, may sue on said bond, in the name of the State of Alabama, for his use and recover such damages as he may have so sustained, including any overcharge or excess rate or charge paid by him on account of the suspension of said rate, charge or order. A copy of said bond duly certified by the chief clerk or secretary or any member of said railroad commission

under the seal of said commission shall be received in evidence without further proof.

If in any proceeding to contest the validity, fairness or reasonableness of any rate or rates for the transportation of freight or passengers established by the railroad commission or any such rates established by statute, or any such rates which have been by statute made the maximum rates, or any order relating to such rates, or any order or orders establishing any rule, regulation, practice, service, or act to be observed or performed by transportation company, subject to the provisions of this act, the trial court shall decide that said rate or rates or order or orders complained of, or any of them, are valid, or fair and reasonable and render a judgment in favor of the railroad commission and against the plaintiff or petitioner, and if the plaintiff or petitioner shall appeal from said judgment it may after said appeal have said rate or rates or order or orders complained of, or any of them, suspended pending said appeal by filing a bond with two good and sufficient sureties, with the railroad commission which bond if the appeal be from a judgment sustaining any rate or rates, for the transportation of freight, shall be in the same amount and with like conditions, and payable as the bond provided for in this section, for the suspension of such rates upon an appeal by the railroad commission from a judgment annulling such rates, except that said bond shall be payable in the event the judgment of the trial court shall be affirmed in whole or in part, or in the event said appeal, shall not be prosecuted to effect. And the failure to file the statements or any of them, or to give the additional bond, or any of them provided for in such case in this section, when and as required therein shall so instanti revive, said rate or rates and the same shall again be enforced and observed and all the penalties in this act, or by any statute prescribed for a failure to put in force and observe said rates shall attach.

And if the appeal be from a judgment sustaining any rate or rates for the transportation of passengers, or any order or orders establishing any rule, regulation, prac-

tice, service or act to be observed or performed by the plaintiff transportation company, said bond shall be in such sum as the railroad commission may fix, and with like conditions and payable as the respective bonds provided for, in this section, for the suspension of such rates or orders upon an appeal by the railroad commission from a judgment annulling such rates or orders, except that they shall be payable in the event the judgment of the trial court shall be affirmed, in whole or in part, or said appeal shall not be prosecuted to effect. From the time said bond shall be given as aforesaid the rate or rates or order or orders complained of and sustained shall be suspended. Any person, firm, company or corporations, who shall sustain any loss, injury, or damage, by reason of the suspension of said rates or orders or any of them, as aforesaid, may sue on said bond in the name of the State of Alabama, for his use and recover such damages as he may have so sustained, including any overcharge, or excess rate, or charge paid by him, on account of the suspension of said rates, charge or orders.

A copy of said bond duly certified by the secretary or chief clerk or any member of said railroad commission, under the seal of said commission shall be received in evidence without further proof.

Provided, however, that if any rate or rates, or order or orders, shall under the provisions of this section be suspended, by the giving of any of the bonds provided for herein, said suspension shall be operative as to, and shall effect only the railroad or the transportation company or common carriers complaining and giving such bond.

Mr. Thomas made a motion to make said bill and amendment a

#### SPECIAL ORDER

For Monday, Feb. 4, at 11 o'clock a. m.

And that 300 copies of said substitute and amendment be printed for the use of the Senate, which motion was carried.

## ADJOURNMENT.

At 1:45 o'clock p. m. on motion of Mr. Spragins, the Senate adjourned until 11 o'clock a. m. on Monday.

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## EIGHTEENTH DAY.

Monday, February 4, 1907.

The Senate met pursuant to adjournment.  
Prayer by Rev. Dr. Malone, of Henry County.

## ROLL CALL.

Present:

Mr. President,

And Messrs:

Barbour	Hamner	Lusk	Reid
Blackman	Hayes	Merritt	Reynolds
Davis	Heacock	Miller	Strother
Doster	Hinson	Moody	Teasley
Forrester	Jones	McWhorter	Thomas
Gardner	King	Overton	White
Glenn	Leith	Reese	Wilson
Gunn	Lowe		

## LEAVE OF ABSENCE.

Leaves of absence were granted to Messrs. Bayles, Hamburger, Horton, Spragins, Wimberly for today.

## PRIVILEGES OF THE FLOOR.

Privileges of the floor were extended to Messrs. H. S. D. Mallory, King, Merrit, John P. Tillman, Major Horton.

## NOTICE.

Mr. Reynolds gave the Senate the following notice:

Notice is hereby given that a motion will be made Wednesday at 12 o'clock M. to place on the calendar Senate bill No. 186. Regarding exemptions from taxation for a term of years newly erected cotton mills in this State.

From the adverse calendar.

H. E. Reynolds.

## INTRODUCTION OF BILLS.

On the call of the districts, bills were introduced, read and referred to appropriate standing committees as follows:

By Mr. Heacock:

S. 241. To prevent the sale of intoxicating liquors within certain limits in the corporate limits of the city of Talladega and to punish violations of the same.

Temperance.

With notice and proof as follows:

## NOTICE.

Notice is hereby given that application will be made to the legislature at its approaching session for the enactment of a law of which the following is a copy:

A bill to be entitled an act to prevent the sale of intoxicating liquors within certain limits in the corporate limits of the city of Talladega, and to punish violation of same.

Section 1. Be it enacted by the Legislature of Alabama, That from and after the passage of this act it shall be unlawful for any person to engage in the business of selling intoxicating liquors in any form within the limits hereinafter set forth in the corporate limits of the city of Talladega, viz., between the track of the

Southern Railway on East street in said city and a point on said East street 300 feet south of the First Baptist church of Talladega, or at any point within three hundred feet of any church in said city.

Section 2. Be it further enacted that any person engaging in the sale of intoxicating liquors within the prescribed limits shall forfeit his license to sell intoxicating drinks, and shall, on conviction for the violation of the provisions of this act be fined not less than fifty nor more than five hundred dollars, which fine shall be paid in money. 1-9-4t

The State of Alabama, }  
Talladega County. }

Before me, W. B. Castleberry, a notary public in and for said county and State, personally came John C. Williams who, being first duly cautioned and sworn, deposes and says, that the foregoing notice was published once a week for four consecutive weeks before this date, on, to-wit, the 9th, the 16th, the 23d, and the 30th days of January, 1907, in the Our Mountain Home, a weekly newspaper published at Talladega, Alabama; that he is the editor, proprietor and publisher of the said newspaper.

John C. Williams.

Subscribed and sworn to before me this the 6th day of February, 1907.

W. B. Castleberry,  
Notary Public.

By Mr. Overton.

S. 242. To provide for the disposition and distribution, and manner of distribution, of the proceeds, when collected, of any bond, payable to the State of Alabama, given by any railroad company or other common carrier to have annulled, suspended or enjoined, any rate or rates established or prescribed for the transportation of freight or property.

Commerce and Common Carrier.



By Mr. Hinson (by request) :

S. 243. To provide for the payment of public school money due dead teachers.

Finance and Taxation.

By Mr. Reynolds, (with notice and proof) :

S. 244. To provide for the relief of S. D. Logan.

Finance and Taxation.

NOTICE.

Notice is hereby given that I shall apply to the present legislature of Alabama for the passage of an act appropriating two hundred and ninety-one and 35 dollars from the State treasury to pay me for services rendered the State of Alabama as an attorney and authorizing the Auditor of the State of Alabama to draw his warrant for said sum in my favor on the treasurer of the State of Alabama.

S. D. Logan.

Centreville, Ala., Jan. 7th, 1907.

The State of Alabama, }  
Bibb County. }

Personally appeared before me W. L. Pratt, Judge of Probate in and for the said county and State, L. H. Nunnelee who being first duly sworn says that the above notice by S. D. Logan was published in the Centreville Press a newspaper published at Centreville in said state and county for four successive weeks and that the last publication of the said notice was made on Thursday the 31st day of January, 1907, and affiant further says that he is the editor in chief of the said newspaper, The Centreville Press.

L. H. Nunnelee.

Sworn to and subscribed before me on this the 31st day of January, 1907.

W. L. Pratt, Judge of Probate.

By Mr. Reese, (by request) :

S. 245. To authorize the governor to appoint three county surveyors to constitute a board of examiners of county surveyors or applicants for said office for the counties of the state of Alabama, to define the duties of said board of examiners, and fix their compensation, and also to define the duties of all county surveyors.

Revision of Laws.

By Mr. Reese:

S. 246. To authorize the mayor and council, or other governing board of cities and towns of not less than five thousand inhabitants to create the office of recorder, to fix the term of office and define the powers of such recorder, and to provide for the compensation of the same.

Municipal and Municipal Organization.

By Mr. White:

S. 247. To provide for the holding of a term of the circuit court of the Fifth Judicial circuit at Goodwater, in Coosa county, and to regulate the same.

Revision of Laws.

With notice and proof.

Notice is hereby given that a bill will be introduced in the next session of the Legislature of Alabama, and application made for its passage, the substance of which will be as follows:

#### A BILL

To be entitled an act to provide for the holding of a term of the circuit court of the fifth judicial circuit at Goodwater, in Coosa county, and to regulate the same.

Section 1. Be it enacted by the legislature of Alabama, that there shall be held a term of the circuit court of the fifth judicial circuit, or any other circuit in which Coosa county may be placed by any past, or future act of the Legislature of Alabama, at Goodwater, in Coosa

county, commencing on the fifth Monday after the fourth Monday in February, and the fifth Monday after the fourth Monday in August each year, and shall continue two weeks.

Section 2. Be it further enacted, That said court shall have jurisdiction to try and determine all civil causes in which the defendant, at the time of the commencement of the suit, is a resident citizen of election precinct number three; Socapatoy; number four; Goodwater number five; Mt. Olive in Coosa county. Also when the defendant is a resident of Coosa county, and the cause of action arises in either of said precincts numbered three, four and five; also when the defendant is a corporation doing business in any of said precincts, and the cause of action arises, or the plaintiff resides in any of said precincts.

Section 3. Be it further enacted, That all causes pending in the circuit court of Coosa county, in which the defendant or defendants, reside at the time of the suit, was commenced, in precincts numbered three, four and five in Coosa county, and all causes against corporations where the cause of action originated in either of said precincts, or where the plaintiff resided in either of said precincts at the time suit was begun, shall be transferred from the dockets of said court at Rockford, to the dockets of said court to be held at Goodwater, and shall stand for trial at the first term of said court.

Section 4. Be it further enacted, That said court shall be presided over by the judge of the fifth judicial circuit, as is now provided by law in this State, so long as Coosa county continues in said circuit, and then by the judge of the circuit in which Coosa county is situated.

Section 5. Be it further enacted, That the clerk of the circuit court of Coosa county shall be ex-officio the clerk of said court, and he shall be required to procure and keep all necessary dockets and records for the use of said court, and the dockets, records and papers pertaining to said court shall be kept at Goodwater. Said clerk of the circuit court of Coosa county shall keep an office at Goodwater in which the records, books and papers pertaining to said court shall be kept, and shall also,

what time he is not at said office, keep a deputy clerk in said office who shall be authorized and empowered to discharge in the name of the clerk of the circuit court of Coosa county, all the duties of said office pertaining to the business of said court at Goodwater. Said books, records and papers shall at times be open for inspection by said court and its officers.

The said clerk of the circuit court of Coosa county and said deputy at Goodwater, shall do and perform all acts pertaining to said court, as is now required of the clerk of the circuit court of Coosa county in reference to matters in the circuit court of said county.

Section 6. Be it further enacted, That the sheriff of Coosa county shall be required to keep an office in the court house at Goodwater and keep the same open in person or by deputy for the reception and service of all instruments, and the transaction of all business that may be, or that is now, required of him by law; and shall attend upon each term of said court, and procure for the use of said court all the digests and law books owned by the county, and for the transportation of said books the commissioners court of said county, shall issue a warrant payable to the sheriff for the amount actually expended by him for said purposes.

Section 7. Be it further enacted, That all summons or process issued under the provisions of this act, shall be returnable to the court of Goodwater, and so designated in said summons or process.

Section 8. Be it further enacted, That there shall be twenty-four jurors drawn and summoned for each term of said court, in the same manner as now prescribed by law for drawing and summoning jurors in Coosa county, from the qualified jurors who reside in precincts number three, four and five of Coosa county, which said jurors when so drawn and summoned, shall attend and serve upon said court under the pains and penalties now provided by law for the service of jurors upon the circuit court of Coosa county. Said jurors shall be drawn from a box as now provided by law, except that there shall be no names in the box except the names of

the qualified jurors of said precincts numbered three, four and five.

Section 9. Be it further enacted, That the first term of said court shall be held on the fifth Monday after the fourth Monday in August, 1907, or as soon thereafter as there shall be erected a court house at Goodwater, suitable for holding of said court without cost to the county of Coosa, as far as the court house is concerned.

Section 10. Be it further enacted, That before entering upon the discharge of the duties under the provisions of this act, the sheriff and clerk shall each make and execute bond in the sum of two thousand dollars, conditioned as now required by law for the faithful performance of their duties under the provisions of this act, provided that after the expiration of the present term of said sheriff and clerk, the bonds that are now required of them by law shall be liable for the faithful discharge of their duties under the provisions of this act, and the failure of the sheriff or clerk to make said bonds with sufficient sureties and conditioned as required by this act within thirty days after this act is approved by the governor, shall work a forfeiture of their respective offices.

Section 11. Be it further enacted, That the provisions of this act shall not go into effect until the erection of said court house, as above provided, except for the purposes of drawing said juries.

The State of Alabama, }  
Coosa County. }

Before me, M. M. Eppes, notary public in and for said State and county, personally appeared B. T. Riddle, who first being duly sworn by me deposes and says on oath, that he is the publisher of the Goodwater Enterprise, a newspaper published at Goodwater in precinct number four, said county; and that the foregoing notice was published in said Goodwater Enterprise once a week for four consecutive weeks, being inserted in said

newspaper in the following issues of said paper, the issue of January 4th, January 11th, January 18th, and January 25th, 1907. B. T. Riddle.

Sworn to and subscribed before me this the 2d day of February, 1907. M. M. Eppes,  
Notary Public.

With notice and proof as follows:

By Mr. Forrester:

S. 248. To allow the wife of the defendant to testify as a witness on the trial of her husband for homicide in certain cases.

Judiciary.

By Mr. Blackmon:

S. 249. To provide for the purchase of two surveyors transits for the two commissioned county surveyors for Calhoun county at the expense of Calhoun county.

Local Legislation.

(With notice and proof, as follows):

The Weekly Times, Milton A. Smith, Prop. The Legal Paper of Calhoun County. Anniston, Ala.

#### NOTICE.

Application will be made to the next session of the State Legislature for a special law for the county of Calhoun to purchase out of the general funds two surveyors' transits to be property of the county, and be in the custody of the two respective county surveyors and their successors in office.

This December 3, 1906.

B. G. McClellen,  
County Surveyor.

I, Milton A. Smith, publisher of the Anniston Hot Blast, do certify that the attached notice was inserted in Dally Hot Blast on Dec. 5th, 1906, and once each

week for four consecutive weeks, viz.: on Dec. 12th, 19th and 26th. Milton A. Smith, Prop.

Sworn to and subscribed before me this January 14, 1907. A. B. Sawyer,  
Justice of the Peace, Calhoun county, Alabama.

By Mr. King:

S. 250. For the relief of W. A. Singleton and B. G. Singleton, of Marengo county, Alabama, for the over payment of money for the purchase of school lands in section 16, township 12, range 1, west.  
Finance and Taxation.

(With notice and proof as follows):

#### NOTICE.

Notice is hereby given that a bill will be introduced at the present session of the Legislature, to pay out of the State treasury of Alabama, the over payment of money paid for sixteenth section school land by W. A. Singleton and B. G. Singleton. Citizen.

The State of Alabama, }  
Marengo County. }

Before me, J. M. Miller, a notary public in and for State and county, this day personally appeared J. E. Hecker, known to me to be the publisher of the Linden Reporter, published at Linden, in said State and county, who being duly sworn on oath, says that the above notice signed Citizen, was published by him in the Linden Reporter, for four consecutive weeks, beginning with the issue of Friday, Jan. 11th, 1907, and ending with the issue of Friday, February 1st, 1907.

Jno. E. Hecker.

Sworn to and subscribed before me on the 2nd day of February, 1907.

J. M. Miller,  
Notary Public.

By Mr. Miller :

S. 251. To prohibit the sale, delivery or other disposition of miner's oil, or any materials or substitutes for miner's oil, to be used in the mines of Jefferson county, Alabama, without the official brand, stamp, label or stencil of the inspector of miner's oils for Jefferson county, Alabama, being affixed or attached to the barrel, package, cask or vessel in which the article sold, delivered or disposed of is contained at the time of the disposition or delivery, and to provide for and regulate the payment of fees to such inspector for affixing such official brand, stamp, label, or stencil and to regulate the charges and fees to be paid therefor.

Local Legislation.

( With notice and proof as follows ) :

#### NOTICE.

Notice is hereby given that a bill will be introduced into the Legislature of Alabama at its next session in substance as follows :

#### A BILL

To be entitled an act to prohibit the sale, delivery or other disposition of miner's or any materials or substitutes for miner's oils, to be used in the mines of Jefferson county, Alabama, without the official brand, stamp, label, or stencil of the inspector of miner's oils for Jefferson county, Alabama, being affixed or attached to the barrel, package, cask or vessel in which the article sold, delivered or disposed of is contained at the time of the disposition or delivery, and to provide for and regulate the payment of fees to such inspector for affixing such official brand, stamp, label or stencil and to regulate the charges and fees to be paid therefor.

Section 1. Be it enacted by the Legislature of Alabama, That any person, firm or corporation, or the



agent of any person, firm or corporation, who shall hereafter sell, deliver or otherwise dispose of any miner's oil or any material or substitute for miner's oil in Jefferson county, Alabama, and to be used in the mines of Jefferson county, Alabama, which is required by law to be tested and inspected by the inspector of miner's oils for Jefferson county, Alabama, before the said sale, delivery or disposition thereof or at the time of the sale, disposition or delivery thereof, shall procure the county inspector of miner's oils for Jefferson county, Alabama, or his assistant, to affix or attach the official brand, stamp, label or stencil on the barrel, package, cask or vessel in which the said oil, material or substitute therefor to be delivered to the purchaser or person receiving the same; and any sale, delivery or other disposition of such miner's oils, material or substitute for use in the mines of Jefferson county, Alabama, without the official stamp, brand, label, or stencil of the county inspector of miner's oils for Jefferson county, Alabama, being at the time of such sale, delivery or other disposition, on the vessel, package, barrel or cask in which the delivery is made, whether such oil has been tested or inspected, shall be a misdemeanor and any person found guilty thereof shall be fined not less than fifty dollars nor more than five hundred dollars at the discretion of the jury trying the same.

Sec. 2. That any miner's oils that have been or may be hereafter inspected in Jefferson county, Alabama, in tanks or vessels containing five thousand gallons or more and after such inspection removed into smaller vessels, barrels or casks in the presence of the inspector of miner's oils for Jefferson county, Alabama, may be officially branded, stamped, labeled or stenciled by the said inspector or his assistant without further test thereof, and if no further test is in fact made, his fees for such inspection into the reloaded smaller vessels, barrels, casks or other vessels containing less than five thousand gallons shall be one and three-fourth cents per gallon. Provided, that if the said miner's oils, material or substitute therefor has been inspected in bulk and

the inspection fees paid and said oils, materials or substitute is reloaded into smaller vessels without reinspection, but in the presence of the inspector in one continuous transaction, the three-fourths of one cent for inspection in bulk, which has been or may be paid, shall be deducted from the inspector's fees of one and three-fourths cents per gallon provided for in this section.

Sec. 3. That any and all laws and parts of laws, local or general, in conflict with the provisions of this act, are hereby repealed and all courts are hereby requested to construe this act liberally in favor of inspection and tests provided herein and for the protection of the lives and property of the miners and mine owners of Jefferson county, Alabama.

The State of Alabama, }  
Jefferson County. }

Before me, D. N. Smith, a notary public in and for said State and county, personally appeared James J. Smith, who being duly and legally sworn, deposes and says that he is manager of the business department of the Birmingham Ledger; that the Birmingham Ledger is a newspaper published in the city of Birmingham, Jefferson county, Alabama; that the notice, a copy of which is hereto attached, was inserted, published, and appeared regularly in the said Birmingham Ledger, in said Jefferson county, Alabama, once a week, beginning Jan. 5, 1907, for four consecutive weeks, without costs to the State of Alabama.

James J. Smith.

Sworn to and subscribed before me this the 28th day of Jan., A. D., 1907.

D. N. Smith,  
Notary Public.

By Mr. Blackmon:

S. 252. To amend section 4431 of the Code.

Privileges and Election.

By Mr. Barbour:

S. 253. To provide for the more efficient supervision of the public schools of the State.

Education.

## REPORTS OF COMMITTEES.

The following bills were returned to the Senate from committees, each having been acted upon by the respective standing committees in session as, in each case, stated below, and were read a second time, and placed on the calendar, to-wit:

Mr. Lusk, from the committee on Judiciary. Favorably:

S. 233. To fix the time for holding the circuit court of Randolph county, and to fix the term for the same.

Also (with amendment):

S. 231. To create the 15th judicial circuit of the State of Alabama, to fix the time of holding court therein and to provide for the appointment of the judge and election of solicitor of said court.

Mr. Merritt, from the committee on Local Legislation. Favorably:

S. 185. To amend an act establishing the Blocton public school district in Bibb county, Alabama, approved February 28th, 1887.

Also,

H. 78. To repeal an act entitled an act to amend an act to authorize the commissioners' court of Blount county to levy a tax for working the public roads of Blount county, and let out said roads by contract, approved October 1, 1903.

Also,

H. 206. To repeal an act entitled an act to regulate the trial of misdemeanors in the county of Elmore approved December 14, 1898, and to provide for the re-transfer of pending causes from said county court to the circuit court of said county and the enforcement of judgments already rendered in said county court.

Mr. Reynolds, from committee on Education. Favorably:

S. 220. To repeal section sixteen of an act to establish a uniform system for the examination and licensing of teachers of public schools, approved February 10th, 1899, amended February 8th, 1901.

S. 221. To amend section seventeen of an act to establish a uniform system for the examination and licensing of teachers of public schools, approved February 10th, 1899, amended February 8th, 1901.

Mr. McWhorter, from committee on Temperance. Favorable, with amendment:

S. 188. To provide that under certain conditions an election may be held in the several counties in Alabama, each county acting by and for itself only, as to whether municipal corporations in such counties shall have authority to buy and sell, spirituous, vinous and malt liquors; to provide that the voters at said election shall vote for dispensary or against dispensary, to declare the result and effect of said election, to define the term dispensary, as used in this act, to provide that in those counties in which, at the election aforesaid, a majority of the votes are cast "For dispensary" the municipal corporations in said counties shall have authority to establish and maintain and operate dispensaries, and in and through such dispensaries to buy and sell spirituous, vinous and malt liquors; to prohibit and punish the selling of liquors and intoxicating drinks in said counties in any other way than by such municipal corporations through their dispensaries, to declare that the violation of certain provisions of this act shall be a misdemeanor and to provide for the punishment thereof, and to further regulate the sale of liquors in said counties; this act not being intended, however, to repeal or affect any law which prohibits the sale of liquors in any county or part of a county, or to repeal or affect any law which authorizes municipal corporations to buy and sell liquors in any county or part of a county by and through dispensaries.

Also,

H. 70. To authorize the cities of Tuscumbia and Sheffield, and the towns of Leighton and Cherokee, in Colbert county, to establish and operate dispensaries in such incorporated cities and towns for the purpose of buying and selling spirituous, vinous and malt liquors, and to provide for the distribution of certain profits arising therefrom, and to further regulate or prohibit the sale, barter or exchange of such liquors in said county.

Also,

H. 428. To authorize all incorporated towns and cities in Elmore county to establish and operate a dispensary or dispensaries in such incorporated towns or cities for the purpose of buying and selling spirituous, vinous, and malt liquors and to provide for the distribution of certain profits arising therefrom, and to further regulate or prohibit the sale of such liquors in said county.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bills:

H. 136. To establish the Lee county court of law and equity, prescribe its jurisdiction and powers, its rules of practice and procedure, provide for the selection of its officers, prescribe their powers, duties, compensation and term of office, fix the time of holding said court, and provide for fees, commissions, fines, forfeitures and juries in said court, provide for supplies for said court and repeal conflicting laws.

And sends the same to the Senate, with notice and proof attached and herewith exhibited as follows:

The State of Alabama, }  
Lee County. }

Before me, Lum Duke, a notary public in and for said county, personally appeared H. M. Wilson, known to me

to be one of the editors of the Daily News, a newspaper published in Opelika, Lee county, Alabama, who being by me duly sworn, deposes and says that he is such editor and publisher of said newspaper, and that the following notice, to-wit:

NOTICE.

To whom it may concern:

Notice is hereby given that at the next session of the Legislature of Alabama a bill will be introduced the substance of which will be to establish an inferior court of law and equity for Lee county, to be called the Lee County Court of Law and Equity, prescribe its jurisdiction and powers, its rules of practice and procedure, provide for its officers, and prescribe their powers, duties and compensation, fix the terms of said court, provide for fees, commissions, fines and forfeitures in said court, provide for juries in said court, provide for appeals to and from said court, provide for bills of exceptions, issuance and return of executions, the sheriff's duties, the payment of witnesses and jurors, and for the furnishing necessary books, blanks, and stationery for said court, and to repeal conflicting laws.

Also at the next session of the Legislature of Alabama, will be introduced a bill to detach Lee county from the third judicial circuit, and to transfer the cases pending in the circuit court of Lee county and the jurisdiction to try and determine the same to the Lee county court of law and equity, and repeal conflicting laws.

Also, at the next session of the Legislature of Alabama, a bill will be introduced to detach Lee county from the northeastern chancery division of Alabama, to transfer the cases pending in the chancery court of Lee county, Alabama, and the jurisdiction to try and determine the same, to the Lee county court of law and equity, and repeal conflicting laws.

Also, at the next session of the Legislature of Alabama, a bill will be introduced to abolish the county court of Lee county, transfer all cases pending therein,

and the jurisdiction to try and determine the same, to the Lee county court of law and equity, and to repeal conflicting laws.

Lum Duke,  
A. E. Barnett,  
T. D. Power,  
R. C. Smith,  
Committee.

Was published once a week for four consecutive weeks in said newspaper before making this affidavit.

H. M. Wilson.

Sworn to and subscribed before me this 5th day of January, 1907.

Lum Duke,  
Notary Public for Lee County, Alabama.

H. 49. To provide for holding the circuit court in St. Clair county, Alabama; to divide said county into two judicial divisions, to regulate the said court and the jurisdiction of and the proceedings in and relating to the same.

And sends the same to the Senate, with notice and proof attached and herewith exhibited as follows:

#### NOTICE.

The State of Alabama, )  
County of St. Clair. )

To whom it may concern:

Take notice that the undersigned will cause to be introduced in the next Legislature of Alabama, a bill affecting the interests of the people of St. Clair county, and the substance of the proposed law is as follows:

#### AN ACT

To provide for holding the circuit court in St. Clair county, Alabama; to divide said county into two judicial divisions, to regulate the said court and the

jurisdiction of and the proceedings in and relating to the same.

Sec. 1. Be it enacted by the Legislature of Alabama, That the circuit court for the county of St. Clair shall be held in each year as follows: At Ashville in the court house of said county on the sixteenth Monday after the third Monday in January and July and at each term may continue two weeks; at Pell City in the court house erected by the county commissioners of said county on the eighteenth Monday after the third Monday in January and July and at each term may continue two weeks; Provided that special or adjourned terms of the circuit court of St. Clair county may be held either at Ashville or Pell City in said county, when notice of the holding of such special or adjourned term is given as required by law.

Sec. 2. That said county shall be divided into two judicial divisions as follows: Precinct Nos. 1, 2, 3, 4, 5, 6, 7, 8, 22, and 18 shall constitute and be known as the northern judicial division, and precincts Nos. 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, and 21, shall constitute and be known as the southern judicial division; and in both of said divisions the civil and criminal business of said court shall be taken up and disposed of in the manner prescribed by law.

Sec. 3. That the clerk of the circuit court of St. Clair county shall keep his office as now provided by law at Ashville, but he shall attend the sittings of said court for both the northern and the southern divisions, and the said clerk is authorized and required to open a branch office at Pell City and to appoint a deputy clerk to conduct the same, and the said clerk or his deputy so appointed shall keep at Pell City all of the records, dockets and papers pertaining to cases which are to be heard and determined in the southern judicial division of said county. The said deputy so appointed, shall in the name of such clerk have and exercise all the powers now or hereafter vested in the clerks of the circuit courts of the State, and the clerk of the circuit court shall be liable



on his official bond for all the acts, defaults and omissions of such deputy.

Sec. 4. That the sheriff of St. Clair county shall keep his office as now provided by law at Ashville, but he shall attend the sitting of the said court for both the northern and southern divisions, and the said sheriff is authorized and required to open a branch office at Pell City, and to appoint a deputy sheriff to conduct the same, and the said sheriff or his deputy so appointed shall keep at Pell City all of the records, dockets and papers, which by law the sheriff is required to keep and which pertain to cases which are to be heard and determined in the southern judicial division of said county. The said deputy so appointed shall in the name of such sheriff have and exercise all the powers now or hereafter vested in the sheriffs of this State, and the sheriff shall be liable on his official bond for all the acts, defaults, and omissions of such deputy.

Sec. 5. That all civil actions which arise in, or where there is a single defendant who resides in that portion of St. Clair county constituting the northern judicial division shall be cognizable heard and determined at, by and in the circuit court of St. Clair county when sitting at Ashville, and that all civil actions which arise in or where there is a single defendant who resides in that portion of St. Clair county constituting the southern judicial division shall be cognizable heard and determined at, by and in the circuit court of St. Clair county when sitting at Pell City, but if there are two or more defendants residing in different divisions suit may be brought in either division; that all actions against non-residents of said county may be brought in either division of said court; that all defendants in criminal cases in said county shall be indicted and tried in the judicial division where the offense with which they are charged was committed.

Sec. 6. That all appeals to the circuit court shall be returnable to that division of said court wherein the justice of the peace or notary public with like jurisdiction,

who tried the same, resides, and the notice of the appeal shall specify to what division of said court the same is returnable.

Sec. 7. That any person indicted or bound over to answer any criminal offense, if denied bail, or if unable to give bail for his appearance, shall be confined in the jail situated in the judicial division in which the offense with which he is charged was committed.

Sec. 8. That all summons or process issued in suits brought or pending in the division of the court to be held at Ashville, shall be returnable to the court at Ashville, and it shall be so designated in said summons or process, and in like manner all summons or process issued in suits brought or pending the division of the court to be held at Pell City shall be returnable to the court at Pell City, and it shall be so designated in said summons or process.

Sec. 9. That all civil suits and proceedings now pending in the circuit court of St. Clair county, which would after the passage of this act be required to be brought in the southern division of St. Clair county, may be transferred by consent of all parties, or by order of the court, to the said southern judicial division constituted by this act, and there disposed of in the same manner and with like effect as if the same had been instituted therein.

Sec. 10. That all sales of land made by the sheriff of St. Clair county shall be made in front of the court house door of that judicial division where the land is situated, and if such land is situated partly in both divisions, then such sale shall be made in front of the court house door of that judicial division from which the execution or order of sale was issued.

Sec. 11. That both grand and petit jurors shall be drawn and summoned to serve in both divisions of said court in the same manner and by the same authority that grand and petit jurors are now summoned to serve in the circuit court of St. Clair county, but the time and place of the service of such jurors shall be designated by the officers drawing and summoning them.

Sec. 12. That the commissioners' court of St. Clair county shall provide suitable stationery and supplies,

and make all other suitable and proper provisions for the holding of the circuit court of said county, and for the confinement of prisoners as provided by this act.

Walter S. Crump,  
McLane Tilton, Jr.,  
F. R. Matthews,  
Sumter Cogswell.

The State of Alabama, }  
St. Clair County. }

Personally appeared before me, Victoe H. Smith, a notary public, in and for said county and State, Bays D. Cather, who is known to me, and who being first by me duly sworn, on oath says; that he is editor and publisher of St. Clair Herald and Coosa Valleyan; that it is a weekly newspaper published in Pell City in said county and State, and that the attached notice providing an act for the holding of circuit court in St. Clair county, to divide said county into two judicial divisions, to regulate said court and the jurisdiction of and the proceedings in and relating to the same was published for four consecutive weeks in said newspaper in said county, commencing December 13th, 1906, and including the issue of January 3rd, 1907, before the making of this affidavit.

(Signed. Bays D. Cather.

Sworn to and subscribed before me, this January 4th, 1907.

Victor H. Smith,  
Notary Public.

H. 36. To authorize the board of revenue or the "court of county commissioners" of any county in the State of Alabama to build courthouses otherwise than at the county site for the accommodation of local courts which are courts of record.

And sends the same to the Senate.

H. 13. To amend section 5086 of the Code of 1896.  
And sends the same to the Senate.

H. 287. To repeal an act entitled an act to establish and maintain a dispensary for Searight, in the county of Crenshaw, in the State of Alabama, for the purpose of selling spirituous, vinous and malt liquors and wine, and to punish all violations of the provisions of this act.

And sends the same to the Senate, with notice and proof attached and herewith exhibited as follows:

Notice is hereby given that the following bill will be presented for enactment into law by the Legislature of Alabama, at the session beginning Jan. 8, 1907:

#### A BILL

To be entitled "an act to repeal an act entitled an act to establish and maintain a dispensary for Searight, in the county of Crenshaw, in the State of Alabama for the purpose of selling spirituous, vinous and malt liquors and wine, and to punish all violations of the provisions of this act.

Section 1. Be it enacted by the Legislature of Alabama, That an act entitled an act to establish and maintain a dispensary for Searight, in the county of Crenshaw, in the State of Alabama, for the purpose of selling spirituous, vinous, and malt liquors and wine, and to punish all violations of the provisions of this act, approved February 19, 1903, be, and the same is hereby, repealed.

#### AFFIDAVIT OF PUBLISHER.

The State of Alabama, }  
Crenshaw County. }

Personally appeared before me, A. B. Brooks, register in chancery for said county, H. Y. Brooks, who being by me first duly sworn, deposes and says that he is the editor and proprietor of the Crenshaw County Critic, a weekly newspaper published at Luverne, county of Crenshaw, State of Alabama, and that the notice of intention to pass a bill to repeal an act creating a dispensary at Searight, Ala., approved Feb. 10, 1903, a copy of

which is hereto attached, was published in said paper for thirty days prior to the date of this affidavit; that the first insertion was in the issue of Thursday, the 6th day of Dec. 1906, and that the last insertion was in the issue of Thursday, the 3rd day of Jan. 1907.

H. Y. Brooks.

Subscribed and sworn to before me this 17th day of January, 1907.

A. B. Brooks,  
Register in Chancery.

H. 243. To enlarge the insurance laws of the State.  
And sends the same to the Senate.

H. 69. To authorize the court of county commissioners of Colbert county to pay the executor or administrator of the estate of James H. Simpson, late clerk of the circuit court of said county for services rendered by the said James H. Simpson as such clerk for keeping the minutes of the circuit court of said county during the years 1897, 1898, 1899, 1900, 1901, 1902, 1903, the account for service being barred by section 1420 of the Code.

And sends the same to the Senate, with notice and proof attached and herewith exhibited as follows:

#### NOTICE OF PROPOSED LEGISLATION.

Notice is hereby given that the following bill will be introduced and passed at the approaching session of the Legislature of Alabama, which convenes on the 8th day of Jan. 1907.

#### A BILL

To be entitled an act to authorize the court of county commissioners of Colbert county to pay the executor or administrator of the estate of Jas. H. Simpson, late clerk of the circuit court of said county, for services rendered by the said Jas. H. Simpson as such clerk for keeping the minutes of the circuit

court of said county during the years 1897, '98, '99, 1900, '01, '02, '03, the account for said service being barred by section 1420 of the Code.

1. Be it enacted by the Legislature of Alabama, That the court of county commissioners of Colbert county, be and it is hereby authorized to pay to the executor or administrator of the estate of Jas. H. Simpson, late clerk of the circuit court of Colbert county out of the general fund of said county for services rendered as such clerk by the said Jas. H. Simpson for keeping the minutes of the circuit court of said county during the years 1897, '98, '99, 1900, '01, '02, and '03, under the provisions of "An act to provide for the payments of clerks of the circuit courts in certain counties of the State of Alabama for keeping the minutes of the circuit court in said State, approved Feb. 18th, 1907," the account for said services having been barred by the provision of Sec. 1420 of the Code.

State of Alabama,        }  
Colbert County.        }

Personally appeared before me, A. H. Carmichael, a notary public in and for said State and county, Frank N. Julian, who being duly sworn deposes and says that he is one of the proprietors of the "North Alabamian," a newspaper published in the city of Tuscumbia, Colbert county, Alabama, and that the foregoing notice, entitled an act to authorize the court of county commissioners of Colbert county to pay to the executor or administrator of the estate of Jas. H. Simpson, late clerk of the circuit court of said county, for services rendered by the said Jas. H. Simpson as such clerk for keeping the minutes of said circuit court of said county during the years 1897, '98, '99, 1900, '01, '02 and '03," was published in the said North Alabamian, a newspaper published aforesaid, for four consecutive weeks, beginning on the 29th

day of November, 1906, and ending the last insertion being the 20th day of December, 1906.

(Signed) Frank N. Julian,  
Editor of the North Alabamian.

Sworn to and subscribed before me, this the 5th day of January, 1907.

(Signed) A. H. Carmichael,  
Notary Public, Colbert County, Ala.

H. 95. Prohibiting the sale or giving away of spirituous, vinous or malt liquors or intoxicating beverages within two miles of the corporate limits of the town of River Falls in Covington county, Alabama, except that portion of said territory which lies within the corporate limits of the town of Andalusia.

And sends the same to the Senate, with notice and proof attached and herewith exhibited as follows:

State of Alabama,        }  
Covington County.        }

Personally appeared before me, J. M. Robinson, Jr., judge of probate in and for said State and county, aforesaid, W. P. Howell, known to me, who, being duly sworn, doth depose and say that he is the editor and publisher of the Andalusia Times, a newspaper published in Covington county, Alabama; that the following notice was published in said newspaper for four consecutive weeks, the first insertion being in the said Andalusia Times, a newspaper as aforesaid on the 12th day of December, 1906, the second in the issue on the 19th day of December, 1906, the third in the issue on the 26th day of December, 1906, and the fourth in the issue of the 2nd day of January, 1907.

The notice as given was in words and figures as follows:

"NOTICE OF SPECIAL ACT."

"Notice is hereby given that the mayor and town council of River Falls intend to apply to the next Legisla-

ture of Alabama, for the passage of a special or local law prohibiting the sale or giving away of spirituous, vinous or malt liquors or intoxicating beverages, within two miles of the corporate limits of the town of River Falls, in Covington county, Alabama, except that portion of said territory which lies within the corporate limits of the town of Andalusia.

(Signed) E. L. More,  
Mayor.  
J. R. Peacock,  
N. D. Caton,  
W. W. Pierson,  
P. J. Gantt,  
J. M. Cooper,  
Councilmen.

That said newspaper is published in Andalusia in Covington county, Alabama, and is a newspaper of general circulation throughout the said county.

(Signed) W. P. Howell.

Sworn to and subscribed before me, this the 12th day of January, 1907. (Signed) J. M. Robinson, Jr.,  
Probate Judge Covington Co., State of Ala.

H. 161. To confer additional jurisdiction upon the county court of Monroe county, Alabama, and to regulate the proceedings therein.

And sends the same to the Senate, with notice and proof attached and herewith exhibited as follows:

State of Alabama, }  
Monroe County. }

Before me, L. J. Bugg, a notary public in and for said State and county, personally appeared Q. Salter, who being by me first duly sworn deposes and says, that he is the editor and publisher of the Monroe Journal, a newspaper published in Monroeville, in said State and county, and that the following notice, to-wit:



## NOTICE.

Notice is hereby given that a bill will be introduced in the Legislature of Alabama to confer additional and exclusive jurisdiction of all misdemeanors upon the county court of Monroe county, Alabama, except in cases of retailing vinous, spirituous or malt liquors without a license, and in cases of violation of the prohibition laws of said county; to establish two jury terms of said court to be held in January and July of each year, and to provide that the pay of such jurors and witnesses in said court shall be the same as is now provided by law for jurors and witnesses under the general laws of the State; to create the office of county solicitor for said court and to provide for his appointment or election by the qualified electors of said county at the next general election of county officers, fixing his term of office, prescribing his duties and compensation and to provide for its payment; to prescribe the duties and compensation of the sheriff of said county while in attendance upon and serving process of said court; to provide that the clerk of the circuit court of said county shall be ex officio clerk of said county court, and that his compensation as said clerk shall be the same as now provided by law for circuit clerks of the State; to provide that the solicitor's fees collected from defendants tried in said county court shall be paid to the county treasurer of said county and kept separate and apart from the other funds of the county, and that fees so collected shall be used in paying the salary of the county solicitor, and when the amount of such fees exceeds the amount of the salary of such solicitor, such excess shall be transferred to and become a part of the general fund of the county, and be paid out in the same manner as is now provided by law; to provide that said county court shall conform to the practice and rules of procedure of the circuit court of this State and that defendants shall have the right of appeal from a conviction in said court direct to the supreme court of this State.

Was published in each issue of said paper beginning with the issue of Dec. 6th, 1906, and continued to and

contained in the issue of Jan. 10th, 1907, and that said notice has been published for thirty days in said paper.

(Signed) Q. Salters.

Sworn to and subscribed before me this the 12th day of January, 1907.

(Signed) L. J. Bugg,

Notary Public.

H. 30. To define who are delinquent children and to provide for their arrest, care and reformation.

And sends the same to the Senate.

H. 51. To amend sections three (3), four (4), five (5) and six (6) of an act entitled an act to amend an act, entitled an act to establish a city court for the county of Talladega, approved February 23, 1893, as the same appears in acts of 1894-5, page 1218, et seq. To create two divisions of the city court of Talladega, to be known respectively as "The Talladega Division of the City Court of Talladega" and the "Sylacauga Division of the City Court of Talladega;" to prescribe the jurisdiction of said divisions, the times and places for holding courts therein and to regulate the proceedings therein.

And sends the same to the Senate, with notice and proof attached and herewith exhibited as follows:

State of Alabama,        }  
Talladega County.        }

Before me, F. A. McDonald, a notary public in and for said county and State, personally appeared John J. Hunter, who being duly sworn deposes and says that he is a resident of Sylacauga, Ala., which is situated in precinct No. 11 in said county and State, and that he is the editor of the Sylacauga Progress, a newspaper published weekly in Sylacauga, Alabama, and that the notice, a copy of which is hereto attached, marked "Exhibit No. 1" and made a part of this affidavit, was published in the Sylacauga Progress for four consecutive weeks, viz.: On

the following dates, viz. : December 13th, 20th, and 27th, 1906, and January 4th, 1907.

(Signed) John J. Hunter,  
Editor of Sylacauga Progress.

Sworn to and subscribed before me, this the 5th day of Jan., 1907.

(Signed) F. A. McDonald,  
Notary Public.

#### NOTICE.

Notice is hereby given that a bill will be introduced in the Legislature of Alabama, at the next session thereof, to amend sections 3, 4, 5, and 6 of an act entitled "An act to amend an act entitled an act to establish a city court for the county of Talladega, approved Feb. 23rd, 1893," as the same appears in acts of Alabama 1894-5, uage 1218 et seq. The substance of said bill is to create two divisions of the city court of Talladega, to be known respectively as "The Talladega Division of the City Court of Talladega" and "The Sylacauga Division of the City Court of Talladega." The Sylacauga division to be held at Sylacauga and to have jurisdiction where the defendant resides in or the cause of action arising in, precincts 9, 10, 11, 12 or 13 of Talladega county; and of criminal offenses committed in said precincts; and of appeals from justice of the peace in said precincts. The Talladega division to be held at Talladega, and to have jurisdiction in the rest of the county outside of the precincts above named. Where there are more than one defendant and they reside in separate divisions, and where the property involved in the suit is situated in both of said divisions, then suit may be brought in either division at the option of the plaintiff. The bill also provides for the transfer of suits brought in the wrong division to the division which has jurisdiction, on motion of any party in interest, upon their giving bond to pay the accrued cost, etc., as required in cases of appeal from justice courts. It also provided that any pending suit of which the Sylacauga division has exclusive jurisdiction may on motion of any party to the suit, with-

in ninety days after said court is held at Sylacauga, be transferred to the Sylacauga division for trial. The bill also provides for the appointment of a clerk and register for the Sylacauga division by the judge of said court, to hold office during the term of said judge, and to perform all the duties and receive the fees of clerk in law cases and of registers in equity cases in said Sylacauga division. The officer of the Talladega division, and the terms of court there are not changed. The sheriff is to keep an office at Sylacauga. The solicitor of the city court of Talladega, either in person or by deputy whom he is authorized to appoint is to prosecute all criminal cases in the Sylacauga division and receive the same fees, etc., as now provided by law. The terms of the Sylacauga division to begin on the first Monday in October and end on the first Saturday after the first day of July of each year. Grand and petit juries to be summoned for the Talladega division as now provided by law; and for the Sylacauga division on the third Monday in April and October of each year. Provided that in either division by the judge may by an order entered on the minutes have juries for additional weeks.

The bill also authorizes the judge to appoint a pro tempore judge to hold court in either division for thirty days at a time when he is unable to hold the same. Such appointee to be a member of the bar of Talladega county, and to be paid the same salary as said judge during the time he performs said duties on the order of said pro tempore judge accompanied by a certified copy of his appointment and the certificate of the clerk or register showing the time he served.

The bill retails all the powers, rules, etc. of the courts as now constituted, and provides that court shall not be held at Sylacauga until there is furnished free of expense to Talladega county a suitable house in which to hold court, the Sylacauga division of said court with the necessary officers for the sheriff, clerk and register; and a suitable jail is provided, free of expense to the county, prisoners shall be confined in the jail at Talladega as at present.

Such court house and jail at Sylacauga to be turned over to the board of county commissioners or the entire use and control of the county while necessary for the purposes of said court. A copy of said bill can be seen by application to the undersigned.

W. T. Doan, H. K. Thomas, W. I. Phillips, E. B. Ledbetter, S. L. Farris, W. H. Ledbetter, C. S. Goodwyn, P. B. Workman, A. J. Thurman, W. H. Thomas, J. W. Oden, C. A. Dantler, I. A. McGee, E. J. Smith, G. A. Hill, W. T. Coker, J. W. Brown, J. H. Lane, T. P. Johnson, W. A. Burns, F. L. Pearson, E. A. Hammett, Committee on Publication.

Cyrus B. Brown,  
Clerk.

#### HOUSE MESSAGES.

The House bills in the foregoing message were severally read once and referred to appropriate standing committees, as follows:

- H. 136. To Finance and Taxation.
- H. 49, 69, 161, 51. To Local Legislation.
- H. 36, 13. To Judiciary.
- H. 287, 95. To Temperance.
- H. 243. To Banking and Insurance.
- H. 30. To Education.

#### SPECIAL ORDER SET.

Pursuant to the notice heretofore given, Mr. Forrester moved to take from the adverse calendar:

S. 156. To amend section 1009 of the Code of Alabama of 1896.

Which motion was made a special order for Wednesday, February 6, 1907, at 12 o'clock m.

Upon motion of Mr. Reese,

S. 175. To further regulate and prohibit the dealing in future contracts in the State of Alabama.

One of the special orders for 12 o'clock m., Tuesday, February 5, 1907, was made the special paramount continuing special order for that hour.

## MESSAGE FROM THE HOUSE.

Mr. President :

The Speaker of the House having signed the following bills your signature thereto is requested :

H. 269. An act to make appropriations for the ordinary expenses for the executive, legislative and judicial departments of the State, for the interest on the public debt, and for public schools.

H. 329. To appropriate the sum of eight thousand seven hundred and thirty-four dollars and fifty-seven cents (\$8,734.57) for the relief of the First National Bank of Montgomery, Ala.

Cyrus B. Brown,  
Clerk.

## SIGNING OF BILLS.

The President of the Senate, in the presence of the Senate, immediately after they had been publicly read at length by the secretary, signed the above House bills, the titles of which are set out in the foregoing message from the House.

## MESSAGE FROM THE HOUSE.

Mr. President :

The House has passed the following Senate bills :

S. 36. To authorize the city of Eufaula to establish, maintain, regulate and operate a dispensary in the said city of Eufaula, Barbour county, Alabama, for the purchase and sale of spirituous, vinous and malt liquors, and wines, ciders and other intoxicating liquors and to establish and perpetuate a board of commissioners for the management of said dispensary, and to prohibit the sale, except by said dispensary, of such liquors in said city of Eufaula, and to provide punishment for any violation of the provisions of this act.

S. 37. To prohibit the sale of spirituous, vinous, or malt liquors, wines, ciders, or other intoxicating liquors in precinct number five, Barbour county, Alabama, ex-

cept in a dispensary in the corporate limits of the city of Eufaula, and to provide punishment for the violation of this act.

Cyrus B. Brown,  
Clerk.

#### BILLS ON THIRD READING.

The bill:

H. 325. To amend section 1876 of the Code.

Was taken up.

The following amendment offered by the committee, to-wit:

Amend H. B. 325 by inserting after the words "Commissioner of Agriculture" the words "and Industries." Also substitute the words "The Alabama Insane Hospital" for the words "Alabama Insane Hospital. Also substitute the words "Alabama Polytechnic Institute" for the words "Agricultural and Mechanical College of Alabama."

Was adopted.

Yeas, 23; nays, 0.

Yeas:

Messrs:

Barbour	Jones	Miller	Strother
Davis	King	Moody	Teasley
Forrester	Leith	McWhorter	Thomas
Gardner	Lowe	Overton	White
Hayes	Lusk	Reid	Wilson
Heacock	Merritt	Reynolds	

—23.

And the bill, as thus amended, was read a third time at length and passed.

Yeas, 26; nays, 0.

Yeas :

Messrs :

Barbour	Heacock	Miller	Reynolds
Davis	Hinson	Moody	Strother
Doster	Jones	McWhorter	Teasley
Forrester	King	Overton	Thomas
Gardner	Lowe	Reese	White
Hamner	Lusk	Reid	Wilson
Hayes	Merritt		

—23.

The bill :

S. 116. To amend sections two (2), three (3), five (5), six (6), seven (7), eight (8), nine (9), ten (10), thirteen (13), and fourteen (14) of an act entitled an act to establish an inferior criminal court in the county of Mobile, approved February 23rd, 1899.

Was read a third time at length and passed.

Yeas, 24; nays, 0.

Yeas :

Messrs :

Doster	Heacock	Merritt	Reynolds
Forrester	Jones	Miller	Strother
Gardner	King	Moody	Teasley
Glenn	Leith	McWhorter	Thomas
Hamner	Lowe	Overton	White
Hayes	Lusk	Reid	Wilson

—24.

Pending the consideration of bills on third reading,

#### SPECIAL ORDER.

The hour of 11 o'clock a. m. having arrived the Senate proceeded to consider the special order for this hour, which was, the substitute for,

S. 44. To create a commission known as "The Railroad Commission of Alabama," define its duties and powers and provide mode of procedure, and prescribe penalties for violation of its orders.



Offered by the committee and the amendments there-  
to offered by Mr. Lusk on yesterday.

Said amendment offered by Mr. Lusk was taken up,  
and adopted.

Yeas, 26; nays, 0.

Yeas:

Messrs:

Blackmon	Hayes	Merritt	Reynolds
Davis	Heacock	Moody	Strother
Doster	Hinson	McWhorter	Teasley
Forrester	Jones	Overton	Thomas
Gardner	King	Reese	White
Glenn	Leith	Reid	Wilson
Hamner	Lusk		

—26.

And said substitute as thus amended was then adopt-  
ed.

Yeas, 27; nays, 0.

Yeas:

Messrs:

Barbour	Hamner	Lusk	Reynolds
Blackmon	Hayes	Merritt	Strother
Davis	Heacock	Moody	Teasley
Doster	Hinson	McWhorter	Thomas
Forrester	Jones	Overton	White
Gardner	King	Reese	Wilson
Glenn	Leith	Reid	

—27.

And said bill as thus amended, was read a third time  
at length and passed.

Yeas, 26; nays, 0.

Yeas :

Messrs :

Barbour	Hamner	Lusk	Reid
Blackmon	Hayes	Merritt	Reynolds
Davis	Heacock	Moody	Strother
Doster	Hinson	McWhorter	Thomas
Forrester	Jones	Overton	White
Gardner	King	Reese	Wilson
Glenn	Leith		

—26.

The Senate then proceeded to consider the next special order for the day, which was:

H. 111. Relating to the preservation, propagation and protection of game animals, wild birds and fish; establishing a department of game and fish, creating the office of State Game and Fish Commissioner, and providing for his election and compensation; creating the offices of county game and fish warden, and deputy game and fish warden and providing for their appointment and compensation; creating a game and fish protection fund and appropriating money therefrom.

The following amendment to said bill offered by the committee was taken up, to-wit:

Strike out "snipes" in line 6 of section 6 of the printed bill and insert after the word March 1st, in line 7 the words "snipe and plover November 1st, to May 1st, following."

Strike out "of each year" in line 7 of section 6, also "of each year" in other parts of the bill and substitute the word "following" in lieu thereof.

That section 6 be further amended by adding the words "and dove" after the words "white partridge" in the fourth line and by striking out the following words in the fifth line of said section: "dove August 1st, to March 1st, of each year."

Amend section 28 by adding after the last word in line 4 the following, "provided he shall not issue permits to capture or transport more than ten pairs of any one species in any year."

Amend section 49 so as to read as follows: "Section 49. That all laws and parts of laws, general, special or local in conflict with the provisions of this act, be and the same are hereby repealed.

And adopted.

Yeas, 21; nays, 2.

Yeas:

Messrs:

Barbour	Hamner	King	Overton
Blackmon	Hayes	Leith	Reynolds
Doster	Heacock	Merritt	Thomas
Forrester	Hinson	Moody	White
Gardner	Jones	McWhorter	Wilson
Glenn			

—21.

Nays:

Messrs:

Lusk	Strother
------	----------

—2.

Mr. Lusk offered the following amendment:

Strike out sections 4, 10, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, and all of section 35 after line nine in the printed bill, also strike out section 36, and amend section 37 by inserting before the word "person" the words non resident. Amend section 39 by striking out, where appearing therein, the words "resident and," also strike out section 40, 41, and 42, and amend section 45 by adding thereto the words "this shall not apply to tenants and persons residing on such lands," and also strike out section 48.

Which on motion of Mr. Hinson was laid on the table.

Yeas, 15; nays, 10.

Yeas:

Messrs:

Barbour	Heacock	Merritt	Reynolds
Blackmon	Hinson	Moody	Thomas
Doster	Jones	Overton	Wilson
Hayes	King	Reese	

—15.

Nays:			
Messrs:			
Forrester	Leith	McWhorter	Strother
Glenn	Lowe	Reid	White
Hamner	Lusk		

—10.

Mr. Reid then offered the following amendment:

Amend title so as to read as follows: "A bill to be entitled an act, relating to the preservation and protection of game animals and wild birds."

By striking out of line 2 of section 2 of printed bill the words "wild bird other than a" and by striking out of line 3 the word "such."

By striking out all of sections 4, 5, 13, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 41, 42, 45 and 48.

By adding to section 8 just after words "following day" in line 6 (printed bill) as follows: "Provided it shall be unlawful for a person to trap or snare game birds for his use and upon land owned by him during time they may be hunted but not to exceed the number per day as prescribed in this act."

By striking out of section 14, beginning after the word municipality in the 4th line of printed bill, the following "and the ward warden means State Game and Fish Commissioner, county Game Warden and Deputy Game Warden provided for herein."

By striking out of sections 31, 35, and 39 the words "State Game and Fish Commissioner" wherever they appear in these sections and by adding in place of the words stricken out at each place where stricken, the words "The Secretary of State."

By striking out of section 36 after the words "inspection to" in line 2 of printed bill, the following: "The State Game and Fish Commissioner or to any warden or officer on demand" and by adding in place of the words stricken out the following: "any lawful officer of the State of Alabama on demand, provided such demand be made at the time such person is hunting, or while he has game or birds in his possession."

By striking out of section 40, after the word "fund" in line 4 (printed bill) as follows: "for the payment of the salary of the State Game and Fish Commissioner and his necessary incidental expenses, also the payment of the expenses of the Game and Fish Warden when acting under special instructions."

Which on motion of Mr. King was laid on the table.  
Yeas, 19; Nays, 9.

Yeas:

Messrs:

Barbour	Hayes	King	Reese
Blackmon	Heacock	Merritt	Reynolds
Doster	Hinson	Moody	Thomas
Gardner	Jones	Overton	Wilson
Glenn			

—17.

Nays:

Messrs:

Davis	Leith	Lusk	Reid
Forrester	Lowe	McWhorter	Strother
Hamner			

—9.

Mr. Lusk then offered the following amendment.

Amend section 17 by striking out the following words, where they appear in said section, namely: "members of the Senate and House of Representatives of this State shall meet in joint session as soon as practicable after the approval of this act, and in such joint session shall duly proceed to elect," and insert in lieu thereof the following words: "the Governor of the State shall, after the approval of this act, appoint."

And further amend said section 17 by striking out the word "three thousand" in line 11 of the printed bill and insert in lieu thereof the following words: "twenty-four hundred."

Which on motion of Mr. Thomas was laid on the table.  
Yeas, 16; Nays, 11.

Yeas:

Messrs:

Barbour	Gardner	Hinson	Reese
Blackmon	Glenn	Jones	Reynolds
Doster	Hayes	King	Teasley
Forrester	Heacock	Merritt	Thomas

—16.

Nays:

Messrs:

Davis	Lowe	McWhorter	White
Hamner	Lusk	Reid	Wilson
Leith	Moody	Strother	

—11.

Mr. Lusk then offered the following amendment:

Amend section 17 by striking out "three" before thousand and inserting the word "Two."

Mr. King moved to lay this amendment on the table which was lost.

Yeas, 10; Nays, 17.

Yeas:

Messrs:

Blackmon	Heacock	King	Reese
Forrester	Hinson	Moody	Reynolds
Hays	Jones		

—10.

Nays:

Messrs:

Barbour	Hamner	Merritt	Strother
Davis	Leith	McWhorter	Thomas
Doster	Lowe	Overton	White
Gardner	Lusk	Reid	Wilson
Glenn			

—17.

Mr. Reese moved to indefinitely postpone the consideration of Mr. Lusk's amendment.

Mr. Lusk moved to lay the motion of Mr. Reese on the table, which motion prevailed.

Yeas, 14; Nays, 11.

Yeas:

Messrs:

Davis	Hamner	McWhorter	Strother
Doster	Leith	Overton	White
Gardner	Lowe	Reid	Wilson
Glenn	Lusk		

—14.

Nays:

Messrs:

Barbour	Hinson	Merritt	Reynolds
Blackmon	Jones	Moody	Thomas
Hayes	King	Reese	

—11.

Mr. Reese offered the following substitute for Mr. Lusk's amendment.

"Strike out \$2,000 and insert \$2,950."

Mr. Lusk moved to table the substitute offered by Mr. Reese, which motion prevailed.

Yeas, 15; Nays, 12.

Yeas:

Messrs:

Barbour	Heacock	Leith	Strother
Blackmon	Hinson	Merritt	White
Forrester	Jones	Reese	Wilson
Hayes	King	Reynolds	

—15.

Nays:

Messrs:

Davis	Glenn	Lusk	Overton
Doster	Hamner	Moody	Reid
Gardner	Lowe	McWhorter	Thomas

—12.

Pending the consideration of this bill Mr. Reese at 2 o'clock moved to recess until 3:30 o'clock p. m., which motion prevailed.

## AFTERNOON SESSION.

Senate reassembled at 3:30 o'clock, p. m.

## ROLL CALL.

Upon a call of the roll more than a quorum answered to their names.

## SPECIAL ORDER RESUMED.

The Senate immediately resumed the consideration of the special order of the morning, which was

H. 111. Relating to the preservation, propagation and protection of game animals, wild birds and fish; establishing a department of game and fish, creating the office of State Game and Fish Commissioner, and providing for his election and compensation; creating the offices of County Game and Fish Warden, and Deputy Game and Fish Warden and providing for their appointment and compensation; creating a game and fish protection fund and appropriating money therefrom.

Mr. Thomas offered the following substitute for the amendment offered by Mr. Lusk this morning, to-wit:

"Amend the amendment by striking out the words \$2,000 wherever they occur in the amendment and insert in lieu thereof the words \$2,500."

Mr. Lusk moved to table the amendment offered by Mr. Thomas which was lost.

Yeas, 7; Nays, 16.

Yeas:

Messrs:

Gardner	Leith	Lusk	Wilson
Hamner	Lowe	Strother	

—7.



Nays:

Messrs:

Barbour	Forrester	Jones	Overton
Blackmon	Glenn	King	Reese
Davis	Hayes	Merritt	Reynolds
Doster	Heacock	Moody	Thomas

—16.

Mr. Lusk moved to indefinitely postpone the consideration of the amendment offered by Mr. Thomas, and Mr. Thomas moved to lay Mr. Lusk's motion on the table, which motion prevailed.

Yeas, 17; Nays, 7.

Yeas:

Messrs:

Barbour	Hayes	King	Reese
Blackmon	Heacock	Merritt	Reynolds
Davis	Hinson	Moody	Thomas
Doster	Jones	Overton	Wilson
Glenn			

—17.

Nays:

Messrs:

Forrester	Hamner	Lowe	Strother
Gardner	Leith	Lusk	

—7.

And the substitute offered by Mr. Thomas to Mr. Lusk's amendment was adopted.

Yeas, 19; Nays, 5.

Yeas:

Messrs:

Barbour	Glenn	King	Reynolds
Blackmon	Hayes	Merritt	Thomas
Davis	Heacock	Moody	White
Doster	Hinson	Overton	Wilson
Forrester	Jones	Reese	

—19.

Nays:

Messrs:

Hamner	Lowe	Lusk	Strother
Leith			

—5.

And the amendment offered by Mr. Lusk, as thus amendment by Mr. Thomas was then adopted.

Yeas, 20; Nays, 3.

Yeas:

Messrs:

Barbour	Glenn	Lowe	Overton
Blackmon	Heacock	Lusk	Reese
Davis	Hinson	Merritt	Reynolds
Doster	Jones	Miller	Thomas
Forrester	King	Moody	White

—20.

Nays, Messrs. Gardner, Leith, Strother, 3.

Mr. Lowe offered the following amendment.

Amend section 17 by striking out the following in line 1, "members of the Senate and House of Representatives of this State shall meet in joint session" and insert in lieu thereof "Governor" and by striking out the following beginning with the word "in" in line 2 where it last appears in said line, "in such joint session shall duly proceed to elect" and insert in lieu thereof the following "shall appoint some person qualified to discharge the duties of the office of State Game and Fish Commissioner, said person shall be known as a State Game and Fish Commissioner of the State of Alabama, and shall hold his office until the next general election after such appointment at which general election said State Game and Fish Commissioner of the State of Alabama shall be elected by the qualified electors of the State of Alabama, and shall hold office for four years, and until his successor is elected and qualified," and by striking out line 6, beginning with the word "the" all of 7 and that part of line 8 to and including the word "assembles."

Which on motion of Mr. Hinson, was laid on the table.

Yeas, 15; Nays, 11.

Yeas:

Messrs:

Blackmon	Hinson	Miller	Reynolds
Glenn	Jones	Moody	Thomas
Hayes	King	Overton	Wilson
Heacock	Merritt	Reese	

—15.

Nays:

Messrs:

Davis	Hamner	Lusk	Strother
Forrester	Leith	McWhorter	White
Gardner	Lowe	Reid	

—11.

Mr. Lowe then offered the following amendment:

Amend section 25 by striking out line 14, beginning with the word "for" and adding in lieu thereof the following: "until the next general election after such appointment, at which general election such county warden shall be elected by the qualified electors of said county, and each deputy warden by the qualified electors of their respective precincts," and shall hold office until the next general election in said county or until their successors are elected and qualified."

Which on motion of Mr. Hinson was laid on the table.

Yeas, 15; Nays, 13.

Yeas:

Messrs:

Barbour	Hayes	King	Reid
Blackmon	Heacock	Merritt	Reynolds
Doster	Hinson	Moody	Thomas
Glenn	Jones	Overton	

—15.

Nays:

Messrs:

Davis	Leith	Miller	Strother
Forrester	Lowe	McWhorter	White
Gardner	Lusk	Reese	Wilson
Hamner			

—13.

Mr. Lusk offered the following amendment:

By inserting after word "office" in line 5 the following "until the first Monday after the second Tuesday in January 1909," and strike out "for four years" in said line and insert after "the" in line 7 qualified electors of the State at the general election in 1908 and every four years thereafter, and strike out "Senate" in line 7, to "assembles" in line 8 inclusive.

Mr. Thomas moved to lay said amendment on the table which was lost.

Yeas, 11; Nays, 17.

Yeas:

Messrs:

Blackmon	Hinson	Merritt	Reynolds
Glenn	Jones	Moody	Thomas
Heacock	King	Reese	

—11.

Nays:

Messrs:

Barbour	Hamner	Lusk	Reid
Davis	Hayes	Miller	Strother
Doster	Leith	McWhorter	White
Forrester	Lowe	Overton	Wilson
Gardner			

—17.

Mr. Reese then moved to indefinitely postpone the consideration of Mr. Lusk's amendment, and Mr. Lusk moved to lay Mr. Reese's motion on the table, which prevailed.

Yeas, 17; Nays, 11.

Yeas:

Messrs:

Davis	Hamner	Lusk	Reid
Doster	Hayes	Miller	Strother
Forrester	Leith	McWhorter	White
Gardner	Lowe	Overton	Wilson
Glenn			

—17.

Nays:

Messrs:

Barbour	Hinson	Merritt	Reynolds
Blackmon	Jones	Moody	Thomas
Heacock	King	Reese	

—11.

And said amendment offered by Mr. Lusk was then adopted.

Yeas, 21; Nays, 7.

Yeas:

Messrs:

Barbour	Glenn	Lowe	Reid
Blackmon	Hamner	Lusk	Strother
Davis	Hayes	Miller	Thomas
Doster	Heacock	McWhorter	White
Forrester	Leith	Overton	Wilson
Gardner			

—21.

Nays:

Messrs:

Hinson	King	Moody	Reynolds
Jones	Merritt	Reese	

—7.

Mr. Miller offered the following amendment. "Amend by striking out section twenty-two."

Which was adopted.

Yeas, 26; Nays, 1.

Yeas :

Messrs :

Barbour	Hayes	Lusk	Reid
Blackmon	Heacock	Merritt	Reynolds
Davis	Hinson	Miller	Strother
Forrester	Jones	Moody	Thomas
Gardner	King	McWhorter	White
Glenn	Leith	Reese	Wilson
Hamner	Lowe		

—26.

Nays :

Mr. Doster.

—1.

Mr. Lusk offered the following amendment :

Amend by striking out Sec. 28 of the bill,"

Which on motion of Mr. King was tabled.

Yeas, 15; Nays, 11.

Yeas :

Messrs :

Blackmon	Hayes	King	Reynolds
Davis	Heacock	Merritt	Thomas
Doster	Hinson	Miller	Wilson
Glenn	Jones	Moody	

—15.

Nays :

Messrs :

Forrester	Leith	Overton	Strother
Gardner	Lowe	Reese	White
Hamner	Lusk	Reid	

—11.

Mr. Lusk then offered the following amendment :  
"Strike out Sec. 32 of the printed bill."

Which on motion of Mr. Thomas, was laid on the table.

Yeas, 16; Nays, 10.

Yeas :

Messrs :

Barbour	Glenn	Jones	Reese
Blackmon	Hayes	King	Reynolds
Davis	Heacock	Miller	Thomas
Doster	Hinson	Moody	Wilson

—16.

Nays:

Messrs:

Forrester	Lowe	Overton	Strother
Gardner	Lusk	Reid	White
Leith	McWhorter		

—10.

Mr. Lusk then offered the following amendment:  
 "Strike out Sec. 36."

Which on motion of Mr. Reese was laid on the table.  
 Yeas, 16; Nays, 11.

Yeas:

Messrs:

Blackmon	Hayes	King	Reese
Davis	Heacock	Merritt	Reynolds
Doster	Hinson	Miller	Thomas
Glenn	Jones	Moody	Wilson

—16.

Nays:

Messrs:

Forrester	Leith	McWhorter	Strother
Gardner	Lowe	Overton	White
Hamner	Lusk	Reid	

—11.

Mr. Reid offered the following amendment:

Amend Section 25 by striking out that portion of said section beginning with the words, "in addition to one Game and Fish Warden" in line 6 and ending with the word "requires" in line 9 of said bill, as printed, and by striking out the words "Deputy Warden" wherever they appear in said bill.

Which on motion of Mr. Hinson was laid on the table.

Yeas, 16; Nays, 12.

Yeas:

Messrs:

Blackmon	Heacock	Merritt	Reese
Doster	Hinson	Miller	Reynolds
Glenn	Jones	Moody	Thomas
Hayes	King	Overton	Wilson

—16.

Nays:

Messrs:

Barbour	Gardner	Lowe	Reid
Davis	Hamner	Lusk	Strother
Forrester	Leith	McWhorter	White

—12.

Mr. Reid offered the following amendment:

“Amend by striking out Sec. 45.”

Which on motion of Mr. Hinson was laid on the table.

Yeas, 19; Nays, 9.

Yeas:

Messrs:

Barbour	Glenn	King	Reese
Blackmon	Hayes	Merritt	Reynolds
Davis	Heacock	Miller	Thomas
Doster	Hinson	Moody	Wilson
Gardner	Jones	Overton	

—19.

Nays:

Messrs:

Doster	Lowe	McWhorter	Strother
Hamner	Lusk	Reid	White
Leith			

—9.

Mr. Lusk offered the following amendment:

“Amend Sec. 38, by striking out “a false statement or,”

Which on motion of Mr. Hinson was laid on the table.

Yeas, 16; Nays, 10.

Yeas:

Messrs:

Barbour	Glenn	Jones	Moody
Blackmon	Hayes	King	Reynolds
Davis	Heacock	Merritt	Thomas
Doster	Hinson	Miller	Wilson

—16.

Nays:

Messrs:

Forrester	Lowe	Reese	Strother
Gardner	Lusk	Reid	White
Leith	McWhorter		

—10.



Mr. Lusk offered the following amendment:

"Strike out Section 41."

Which on motion of Mr. Hinson was laid on the table.

Yeas, 19; Nays, 9.

Yeas:

Messrs:

Barbour	Glenn	King	Reese
Blackmon	Hayes	Merritt	Reynolds
Davis	Heacock	Miller	Thomas
Doster	Hinson	Moody	Wilson
Forrester	Jones	Overton	

—19.

Nays:

Messrs:

Gardner	Lowe	McWhorter	Strother
Hamner	Lusk	Reid	White
Leith			

—9.

Mr. Lowe offered the following amendment:

"Amend Section 6 by striking out the words "to April 15th," where the same appears in line 4 of said section, and insert in lieu thereof, the words "March 1st."

Which was adopted.

Yeas, 26; Nays, 1.

Yeas:

Messrs:

Barbour	Hayes	Merritt	Reid
Davis	Heacock	Miller	Reynolds
Doster	Hinson	Moody	Strother
Forrester	Jones	McWhorter	Thomas
Gardner	Leith	Overton	White
Glenn	Lowe	Reese	Wilson
Hamner	Lusk		

—26.

Nay—Mr. Blackmon. 1.

The said bill as thus amended was read a third time at length and passed.

Yeas, 19; Nays, 6.

Yeas:

Messrs:

Davis	Heacock	Miller	Reynolds
Doster	Hinson	Moody	Thomas
Gardner	Jones	McWhorter	White
Glenn	King	Overton	Wilson
Hayes	Merritt	Reese	

—19.

Nays:

Messrs:

Blackmon	Leith	Reid	Strother
Hamner	Lusk		

—6.

#### MESSAGE FROM THE HOUSE.

Mr. President:—

The House has concurred in the Senate amendment to the bill H. 325. To amend section 1876 of the Code.

And has amended as therein shown and as amended has passed S. B. 15 to make the present railroad rates of freight and fare for the transportation, originating and terminating within this State, of freight and passengers the maximum rates.

Cyrus B. Brown.

#### HOUSE MESSAGES.

On motion of Mr. Lusk the following amendment on substitute for S. B. 15 referred to in foregoing message from the House to-wit:

Substitute for S. 15.

To make the railroad rates of freight in force January 1, 1907, for the transportation, originating and terminating within this State, the maximum rates.

Section 1. Be it enacted by the Legislature of Alabama, that the rates of freight in force January 1, 1907, and obtaining on the various railroads of Alabama for the transportation, originating and terminating within the State, of freight, be and they are hereby fixed and established as the maximum rates to be charged for such

transportation, and it shall be unlawful for any company, corporation or individual owning or operating any railroad or part of a railroad as a common carrier in this State, to increase said rates or to charge or receive any greater or higher rate of freight than those then published by or obtaining on such railroad.

Section 2. That all laws and parts of laws in conflict with the provisions of this act, be, and the same are hereby repealed.

Was concurred in.

Yeas, 19; Nays, 1.

Yeas:

Messrs:

Davis	Hamner	Moody	Reynolds
Doster	Hayes	McWhorter	Strother
Forrester	Leith	Overton	White
Gardner	Lusk	Reese	Wilson
Glenn	Merritt	Reid	

—19.

Nays: Mr. Blackmon—1.

#### MESSAGE FROM THE HOUSE.

Mr. President:—

The House has concurred in the Senate Joint Resolution relative to the return of Senate Bill No. 47 to the Senate by the Enrolling and Engrossing Clerk of the Senate

And,

The House has adopted the Joint Resolution herewith sent.

By Mr. Bulger:

H. J. R. 73. Resolved that a committee of five, three from the House and two from the Senate, be appointed whose duty it shall be to take into consideration the propriety and wisdom of dividing the present session, at what time we should adjourn for the recess and at what time we should reconvene.

Resolved 2. That it is the duty of this committee to make their report at as early day as practicable.

Committee on part of the House: Messrs. Bulger, Long of Butler, and Steagall.

Cyrus B. Brown,  
Clerk.

#### HOUSE MESSAGES.

The House Joint Resolution in the foregoing House message was read once and referred to appropriate standing committee as follows:

H. J. R. 73. R 1, referred to Rules Committee.

#### MESSAGES FROM THE HOUSE.

Mr. President:—

The House has amended as therein shown and as amended has passed

S. 2. To prescribe the measure of damages for loss, destruction or injury to or failure to deliver goods by common carriers and to regulate the collection thereof.

C. B. Brown,  
Clerk.

#### HOUSE MESSAGES.

On motion of Mr. Lusk the following amendment to S. 2, adopted by the House:

Amend title by inserting after the words "injury to," the words "delay in delivering."

Also,

Amend section 3 by striking out the word "thirty" before the word "days," and inserting in lieu thereof the word "sixty."

Was concurred in.

Yeas, 26; Nays, 0.

Yeas :

Messrs :

Barbour	Hamner	Lowe	Reid
Blackmon	Hayes	Lusk	Reynolds
Davis	Heacock	Merritt	Strother
Doster	Hinson	Miller	Thomas
Forrester	Jones	Moody	White
Gardner	King	Overton	Wilson
Glenn	Leith		

—26.

#### MESSAGE FROM THE HOUSE.

Mr. President :

The House originated and passed the following bills :

H. 79. To provide a better system of public roads for Blount county.

And sends the same to the Senate with notice and proof attached and herewith exhibited as follows :

#### NOTICE.

The following bill will be introduced at the next meeting of the General Assembly of Alabama :

#### A BILL

To be entitled an act to provide a better system of public roads for Blount county.

Section 1. Be it enacted by the Legislature of Alabama, That the court of county commissioners of Blount county at its February term in 1907 and at its February term every two years thereafter, appoint one superintendent of public roads in each election precinct in said county, who shall serve for a period of two years from the time of their appointment.

Section 2. That the duty of said superintendent shall be as follows: First, to appoint good and intelligent overseers in their respective precincts who are subject to road duty and to commission them; second, to appor-

tion to his overseers in his precinct all public roads to be worked, subdividing the same so as to make them as nearly equal as possible, taking into consideration the general condition of the road; third, to apportion the hands in his precinct subject to road duty to the various overseers, and to deliver to each overseer a list of the hands apportioned to him for road service; fourth, to see that overseers in his precinct shall cause mile posts and sign boards to be erected; fifth, to report to the grand jury of Blount county, not later than the third day of every session thereof, the condition of public roads in his precinct, and the name and overseer in his precinct whose road is in bad condition; sixth, to report to the court of county commissioners the names of the overseers in his precinct and the roads over which they have been appointed; seventh, to go over all the roads in his precinct and inspect the same twice in each year.

Section 3. That the overseers of public roads in said county shall have the power to dismiss from service any hand, whether working for himself or as a hired hand, who shall fail or refuse to do good and sufficient work, or who shall hinder or delay other hands or who shall refuse to obey all reasonable orders, and any such person may be proceeded against as though he had failed or refused to obey the notice of work on the road, for which he was warned.

Section 4. That the overseers shall preserve carefully all the tools and implements for working on the roads turned over to him at any time by the court of county commissioners or by the superintendent, and shall use the same only to work on public roads, and shall deliver the same to his successor or to the order of his superintendent.

Section 5. That the court of county commissioners may at any time remove any superintendent of roads for neglect of duty, incompetency, drunkenness, or any other reasonable cause, and in case of a death, removal of resignation of any road superintendent the commissioners' court shall have the power at any time to fill the vacancy thereby caused. In case of the removal of a superintendent or resignation he shall at once become

liable to road duty and his name added to the list.

Section 6. That any person appointed superintendent may send in his excuse for not accepting, or after he has accepted, may resign his appointment to the county commissioner in whose district his precinct lies. Such commissioner shall hear his excuse for his failure to accept, or his reasons for resigning such appointment, and pass upon the sufficiency of such excuse, and if deemed reasonable by him such superintendent shall be removed and his successor appointed.

Section 7. That road superintendents shall receive as compensation for their work the sum of one dollar per day for time actually engaged in their duties under this act, not to exceed the sum of ten dollars in one year, and he shall be exempt from road duty during the time he serves as superintendent. The superintendent shall keep a strict account of the time occupied by him in his services by him under this act, and shall swear to the same and present it to the court of county commissioners for allowance.

Section 8. That all male citizens of said county subject to road duty under the general laws of Alabama shall be subject to road duty in said county and shall work on the public roads thereof not less than five nor more than eight days in any one year, the number of days to be worked to be determined by the court of county commissioners at the February term of that year by order of said court entered on the minutes thereof, provided, that the time to be worked shall be eight days in 1907, and every precinct in the county shall work the same number of days in each year.

Section 9. That any person subject to road duty, as provided in section 8 of this act, may discharge the same by calling on and paying to the superintendent of his precinct the sum of one dollar for each day he may be required to work during the year, one-half of the same to be paid not later than July 1 and the remainder to be paid by August 15 of each year, and failing so to do, shall work the road when warned in person or by an acceptable substitute or be returned as a road defaulter.

Section 10. That the superintendent of roads shall have power to remove at any time any overseer for neglect of duty, drunkenness or any other valid cause which renders him incapable to act as such overseer, and immediately to fill his place with another person, and in case of such removal by the superintendent his name shall be added to the list of hands in the precinct and he shall be subject to road duty at once; provided also, that in case of death or resignation of an overseer the superintendent shall have power to fill the place of the overseer, but no such resignation shall be accepted unless for good cause shown.

Section 11. That where money is paid to the superintendent in lieu of work in a precinct, such money shall be apportioned to the overseer of the roads by the superintendent, and in the apportionment of said money the superintendent shall take into consideration the condition of the various roads, the amount of travel along them and the difficulty of keeping them in repair.

Section 12. That the superintendent of each precinct shall report to the court of county commissioners at the November term of each year the manner in which the money paid to him has been expended, said report to be itemized and sworn to and passed upon by said court.

Section 13. That the commissioners' court shall distribute the road tools and implements of the county now on hand, or those hereafter purchased under the provisions of this act, among the various precincts as will be most conducive to the best interests of the public roads. This distribution shall be made to the superintendents of public roads, and the superintendents shall issue their receipts to the commissioners' court for the same and take receipts from overseers to whom such tools are distributed by them.

Section 14. That the court of county commissioners shall levy a special tax, not to exceed one-fourth of one per cent, on the taxable property of the county, to be assessed and collected as other taxes, and when paid into the treasury shall be kept separate and apart from other funds, and used only for the maintenance or building of public roads of the county under the direction of



said court, having regard for the condition of the public road upon which the same is used, the amount of travel along the said road, and the work necessary to keep the same in repair.

Section 15. That all persons, firms, or corporations having three men or more working under them, subject to road duty, must, upon demand of the superintendent of the precinct, furnish him with a list of their names and residences, and such person, foreman or superintendent in charge of such men who fails to furnish a true list of such names shall be deemed guilty of a misdemeanor, and on conviction shall be fined not less than five nor more than fifty dollars for each offense.

Section 16. That all public roads in the county shall be worked between the first day of July and the first day of October of each year, except in cases of obstructions and emergencies, when they may be worked at any time for the purpose of temporary repair necessary.

Section 17. That the number of days to be worked, as herein provided, shall be put in continuously, or as nearly so as possible. A day to consist of nine hours.

Section 18. That whenever it can be done, it is the duty of the several superintendents to have the roads worked by the overseers at such time as the implements may be used, first by one overseer and then by another, so that the implements bought and furnished by the county may be used by all the overseers as much as possible.

Section 19. That the general laws of Alabama with reference to the mode of warning hands to work on the road, the length of notice to be given, and the kind of implements to be brought by the hand, shall apply in all cases in said county, and also the general law as to road defaulters, and the punishment and prosecution of the same, shall be enforced and applicable to this road law.

Section 20. That any superintendent or overseer who fails to perform his duty as such under the provisions of this act shall be guilty of a misdemeanor, and upon conviction fined not less than ten nor more than fifty dollars for each offense.

Section 21. That any superintendent of roads who fails to pay out to those entitled to it the money received under this act, or uses such money for other purposes than building and maintaining the public roads of his precinct, shall be guilty of embezzlement, and on conviction shall be punished as if he had stolen the same.

Section 22. That the court of county commissioners of said county shall have and exercise in all things a general supervision and control over the roads and superintendents and overseers thereof.

Section 23. That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

The State of Alabama, }  
Blount County. }

Before the undersigned authority, personally came F. G. Stephens, who, after being by me first duly sworn, says that he is the publisher of the Southern Democrat, the same being a weekly newspaper published at Oneonta, in the county and State aforesaid, and that notice of the intention to introduce a bill to be entitled an act to provide a better system of public roads for Blount county, in the Legislature of Alabama, at the session thereof to be held in the year 1907, was published for four consecutive weeks in said paper beginning with the issue of December the 20th, 1906, and covering a period of thirty days. A copy of said notice is hereto attached.

F. G. Stephens.

Sworn to and subscribed before me on this January the 21st, 1907. And I hereby certify that said Stephens is known to me to be the publisher of said paper and that he is a credible person.

John F. Kelton, Judge of Probate.

H. 98. To repeal an act, to regulate the fine and forfeiture fund of Blount and Cullman counties, and to provide for the payment of State witnesses out of the same, approved February 8, 1901, and an amendment thereto entitled, An act to repeal section 1 of an act to

regulate the fine and forfeiture fund of Blount and Cullman counties, and provide for the payment of the State witnesses, approved February 8, 1901, and to amend sections three, ten and eleven of said act, so far as the same relates to Cullman county, approved September 22, 1903, so far as the same relate to Cullman county.

And sends the same to the Senate with notice and proof attached and herewith exhibited as follows:

#### LEGAL NOTICE.

Notice is hereby given that the following bill will be introduced into the next Legislature of Alabama, viz:

#### A BILL

To be entitled an act to repeal an act, to regulate the fine and forfeiture fund of Blount and Cullman counties, and to provide for the payment of State witnesses out of the same, approved February 8, 1901, and an amendment thereto entitled an act to repeal section one of an act to regulate the fine and forfeiture fund of Blount and Cullman counties, and to provide for the payment of State witnesses, approved February 8, 1901, and to amend sections three, ten and eleven of said act, so far as the same relates to Cullman county. Approved September 22, 1903, so far as the same relates to Cullman county.

Section 1. Be it enacted by the Legislature of Alabama, That the act to regulate the fine and forfeiture fund of Blount and Cullman counties, and to provide for the payment of State witnesses out of the same, approved February 8, 1901, and an amendment thereto, entitled an act to repeal section one of "An act to regulate the fine and forfeiture fund of Blount and Cullman counties, and to provide for the payment of State witnesses, approved February 8, 1901," and to amend sections three, ten and eleven of said act, so far as the same

relates to Cullman county, approved September 25, 1903, and the same are hereby repealed, in so far as the same relates to Cullman county, Alabama.

6-12

Geo. H. Parker.

Dated this Dec. 3, 1906.

State of Alabama,        }  
Cullman County.        }

Before me, M. L. Robertson, a notary public in and for said county and State, personally appeared J. R. Rosson, who being duly sworn, on oath says, that he is the editor and publisher of the Cullman Democrat, a weekly newspaper published at Cullman, in Cullman county, Alabama, and that the notice, of which a true copy is hereto attached, was published in said newspaper, once a week, for four successive weeks, being in the issues of said newspaper as follows: Dec. 6, Dec. 13, Dec. 20, and Dec. 27, 1906.

J. R. Rosson,  
Editor and Publisher.

Sworn and subscribed before me this fourteenth day of January, 1907.

M. L. Robertson,  
Notary Public.

H. 165. For the relief of J. D. Crow an indigent and aged Confederate soldier.

And sends the same to the Senate with notice and proof attached and herewith exhibited as follows:

State of Alabama,        }  
Morgan County.        }

Before me, N. T. Long, notary public, in and for said State and county, personally appeared J. C. Orr, owner of the Morgan County Times, who on oath deposes and says, that the Morgan County Times is a newspaper published in the city of New Decatur, Alabama, that the following notice, viz:

## THE PUBLIC TAKE NOTICE.

Decatur, Ala., Nov. 13, 1906.

I will introduce a bill to appropriate out of the treasury of Alabama, for the relief of J. D. Crow, an indigent and aged Confederate soldier, the sum of fifty two dollars and sixty-five cents, the said J. D. Crow being a citizen of Morgan County, Alabama.

Wm. H. Long, Jr.

Was duly published in said newspaper on Nov. 13, 1906, Nov. 20th, 1906, Nov. 27, 1906, and Dec. 4, 1906, being once a week for four consecutive weeks as required by law.

(Signed) J. C. Orr.

. Sworn to and subscribed before me, this the 11th day of December, 1906.

(Signed) Nannie T. Long,  
Notary Public.

H. 340. To amend sections four (4), twelve (12), thirteen (13), fourteen (14), twenty-one (21) and thirty-one (31) of an act to provide for the construction, repairing, working and maintaining the public roads and bridges in Talladega county, approved December 4, 1900.

And sends the same to the Senate with notice and proof attached herewith exhibited as follows:

## TO AMEND ROAD LAW.

Notice is hereby given that application will be made at the approaching meeting of the Legislature of Alabama for the enactment of amendments to Talladega county's road law, as shown by a bill of which the following is a copy:

## AN ACT

To amend sections four (4), twelve (12), thirteen (13), fourteen (14), twenty-one (21), and thirty-one (31) of an act to provide for the construction, repairing,

working and maintaining the public roads and bridges in Talladega county, approved December 4, 1900.

Be it enacted by the Legislature of Alabama: That sections 4, 12, 13, 14, 21 and 31 of an act entitled an act to provide for the construction, repairing, working and maintaining the public roads and bridges in Talladega county, approved December 4th, 1900, be and the same are hereby amended so as to read as follows:

"Section 4. Be it further enacted: That said superintendent, subject to the orders, and direction of the court of county commissioners, shall have control and supervision of all the public roads of said county, as to the manner of working, repairing and maintaining the same; as to the change of old roads, locating and opening new roads, and of the execution of any contract that may be made for the working, repairing, opening or changing roads, or of repairing or building bridges, culverts and causeways."

"Section 12. Be it further enacted: That in the appointment of overseers the superintendent is not restricted to persons who are subject to road duty under this act, and it shall be the duty of each overseer to make quarterly reports to the superintendent of all work done by him during the quarter, the number of days worked by each hand, and the names of all defaulters, and the overseer shall not be paid his per diem until such report is made."

"Section 13. Be it further enacted: That all male inhabitants of Talladega county, except the inhabitants of cities and towns having an acting municipal organization, between 18 and 45 years of age and not exempt from road duty under the general laws of this state, shall be required to work upon the public roads of said county six (6) days in each calendar year, provided that the said six days of work may be commuted by the payment to the superintendent or to the judge of probate on or before the first day of April in each year, the sum of five (\$5.00) dollars, but if not so paid on or before such date, the road hand, either in person or by an able

bodied substitute, shall perform the full six days labor; and in order that road hands may have opportunity to pay such commutation money, it shall be the duty of the superintendent to attend at some designated place in each precinct on a day prior to the 1st day of April, of which time and place he shall give notice by posting up written or printed notices in at least two public places in each precinct; provided, further, that no overseer shall be authorized to receive commutation money in lieu of road services at any time."

"Section 14. Be it further enacted: That whenever an overseer shall determine that a road needs repairing or working, or when the superintendent shall so direct, he shall call out such hands as may have been listed to him as he may deem sufficient in number for, not exceeding two days work in any one week, and if any hand shall fail or refuse to work or to furnish an able bodied substitute, it shall be the duty of the overseer, after five days from the warning to work was given, to return each and every hand so failing or refusing, to a justice of the peace in the precinct, or if there be no justice, then to the nearest justice of the peace in an adjoining precinct, and such hand shall be proceeded against as a road defaulter under the general laws of the State. Provided that overseers, on good excuse, made under oath, which may be administered by the overseer, excuse defaulters within five days after default, and any person making false oath to the overseer to get excused, shall be guilty of perjury and punishable therefor."

"Section 21. Be it further enacted: That the overseers of roads appointed under this act shall be paid such compensation as may be determined by the court of county commissioners, to be paid at the end of each quarter upon the approval of his report and account by the superintendent, out of the road fund, upon the warrant of the judge of probate. Provided that overseers shall not be paid a per diem for warning hands, but he may appoint a road hand to perform that duty and excuse such hand from a day's work for each day he shall be engaged in warning hands."

"Section 31. Be it further enacted: That the court of county commissioners shall have full power and authority to make and establish such rules and regulations, not in conflict with this act, that it may deem necessary for the proper construction, working, repairing and maintaining of the public roads, bridges and culverts of said county, and for requiring of all persons charged with any duty, power or liability under this act, a rigid performance of and accountability therefor, and for this purpose may appoint an auditor to examine into and pass upon all claims presented against the road fund, and to fix the compensation of such auditor and provide for its payment out of the road fund, or the general fund, as may be determined."

State of Alabama,        }  
Talladega County.        }

Personally appeared before me, J. E. Camp, Judge of Probate, in and for said county, E. L. C. Ward, who being duly sworn according to law, deposes and says that he is the editor of the Talladega Reporter, a newspaper, published in said county, and that the publication of a certain notice, a true copy of which is hereto affixed, has been made in said newspaper for four weeks consecutively, to-wit, in the issues thereof dated as follows: On Dec. 29, 1906, and on 5th, 12th, and 19th of January, 1907.

E. L. C. Ward.

Subscribed and sworn to before me this 19th day of January, 1907.  
955-4-4t.

J. E. Camp, Judge of Probate.

H. 363. To create the office of associate judge of the city court of Gadsden; to provide for the qualification, election and appointment of such judge; to fix the term of office; to define his powers and duties, and to provide for the payment of his salary.

And sends the same to the Senate with notice and proof attached and herewith exhibited as follows:



## NOTICE OF PUBLICATION.

An act to create the office of associate judge of the city court of Gadsden; to provide for the qualification, election and appointment of such associate judge, to fix the term of office, to define his duties and powers, and to provide for the payment of his salary, will be introduced at the next meeting of the general assembly of Alabama, for the county of Etowah. 12-6-4w

State of Alabama,        }  
Etowah County.        }

Before me, J. W. Penn, judge of probate of said county in said State, personally appeared Charles E. Meeks, who being duly sworn, says on oath that the above notice was and has been published once a week, for four consecutive weeks, in the Daily Times-News, a newspaper published in said county and State, and that said Charles E. Meeks is the treasurer and general manager of said newspaper.

Sworn to and subscribed before me this the 12th day of January, 1907. Chas. E. Meeks.  
J. W. Penn, Judge of Probate.

H. 364. To amend sections thirteen (13) and nineteen (19) of an act entitled an act "to declare the powers and jurisdiction of the city court of Gadsden, approved February 27th, 1901.

And sends the same to the Senate with notice and proof attached and herewith exhibited as follows:

## NOTICE.

A bill will be introduced at the coming session of the legislature to amend sections 13 and 19 of an act entitled

## AN ACT

To declare the powers and jurisdiction of the city court of Gadsden, approved February 27, 1901.

To amend section 13 by abolishing the jury tax fee of four dollars as set forth in said section.

To amend section 19 of said act by fixing the salary of the judge of the city court at three thousand dollars.

11-20-30d

State of Alabama,     }  
Etowah County.        }

Before me, J. W. Penn, judge of probate of said county, in said State, personally appeared Charles E. Meeks, who being duly sworn, says on oath that the above notice was and has been published once a week, for four consecutive weeks, in the Gadsden Daily Times-News, a newspaper published in said county and State, and that said Charles E. Meeks is the treasurer and general manager of said newspaper.

Sworn to and subscribed before me this the 12th day of January, 1907.

Charles E. Meeks.

J. W. Penn, Judge of Probate.

H. 50. To authorize the town of Pell City, in St. Clair county, to establish and operate a dispensary for the purpose of buying and selling spirituous, vinous and malt liquors, and to provide for the distribution of certain profits arising therefrom, and for the purpose of better controlling and regulating the sale of such liquors, upon the casting of a majority vote in favor of such dispensary at an election to be held by the qualified voters of precincts 10, 12, 15, 16, 19, 13, 14, 11 in St. Clair county on the 2nd Monday of April, 1907; and upon the casting of a majority vote against such dispensary at the election herein provided for to repeal the act approved February 28th, 1903, establishing a dispensary at Pell City, the repeal to take effect December 31st, 1907.

And sends the same to the Senate with notice and proof attached herewith exhibited as follows:

## NOTICE.

State of Alabama, }  
 County of St. Clair. }

## TO WHOM IT MAY CONCERN.

Take notice that the undersigned propose to introduce at the next session of the Legislature of Alabama a bill affecting the interests of the people of St. Clair county, and that the substance of the proposed law is as follows:

## AN ACT

To authorize the town of Pell City, in St. Clair county, to establish and operate a dispensary for the purpose of buying and selling spirituous, vinous and malt liquors, and to provide for the distribution of certain profits arising therefrom, and for the purpose of better controlling and regulating the sale of such liquors, upon the casting of a majority vote in favor of such dispensary at an election to be held by the qualified voters of precincts 10, 13, 12, 15, 19, 14 and 11, in St. Clair county on the second Monday in April, 1907; and upon the casting of a majority vote against such dispensary at the election herein provided for to repeal the Act approved February 28, 1903, establishing a dispensary at Pell City, the repeal to take effect December 31, 1907.

Be it enacted by the Legislature of Alabama as follows, to-wit:

Sec. 1. The town of Pell City in St. Clair County shall have authority to conduct and carry on in its corporate name, in its corporate capacity and through its Legislative body the business of buying and selling spirituous, vinous and malt liquors, subject to the conditions and restrictions hereinafter mentioned. The place at which said business is carried on shall be called a dispensary, and the same shall be located and conducted only within the corporate limits of the town of Pell City. The town of Pell City shall invest in said business a sum of money not less than three hundred dollars nor

more than twenty-five hundred dollars, and the liquors bought and sold as herein provided shall be of the purest and best quality.

Sec. 2. The office of dispenser is hereby created for the said dispensary who shall hold office until his successor is elected and qualified, and no man shall be elected to the office of dispenser unless he be a resident of St. Clair county, twenty-one years of age, and shall be esteemed as honest, temperate, law-abiding and competent to carry on the business.

Sec. 3. The first dispenser shall be elected by the Legislative body of the town of Pell City as soon as practicable after this Act goes into effect, and succeeding dispensers shall be elected by the same authority and in the same manner as is now or may hereafter be provided by law or the ordinances of the town of Pell City for the election of town clerk. The dispenser, under the direction and control of the Legislative body of the town of Pell City, shall buy and sell liquors and carry on the dispensary until his successor is elected and qualified, and he shall be provided with whatever money within the aforesaid limits that the said Legislative body may wish them to use in conducting the business. Before entering upon the duties of his office, the dispenser shall make affirmation before an officer authorized to administer oaths, that he will obey all laws of the State of Alabama, and laws and ordinances of the town of Pell City, relative to the sale, giving away or delivery of liquors of any kind. He shall also before beginning business execute to the town of Pell City a bond conditioned for the honest and faithful discharge of his duties as such dispenser, said bond to be in the sum of one thousand dollars and shall have two sufficient sureties, and be approved by the Mayor or other chief executive of Pell City. For neglect of business, incompetency, misfeasance, malfeasance in office, a dispenser may be impeached by the Legislative body of Pell City and for cause to be adjudged of by said body may be removed from office. Whenever a vacancy in said office occurs from any cause whatsoever, the Legislative body of Pell City shall

elect a dispenser to fill the vacancy on or before their next regular meeting.

Sec. 4. The Legislative body of Pell City shall pay to the dispenser a salary which shall be fixed by said body before the dispenser is elected. Said salary shall not be less than forty dollars per month, nor more than one hundred dollars per month, and shall be payable on the first day of each month. Said Legislative body shall not make or permit the amount of said salary to depend on the amount of sales that may be made by its dispenser.

Sec. 5. The dispenser shall not sell any liquor of any kind in any quantity less than one-half pint, and he shall not make any sale between the hours of 7 p. m. of one day and 6 a. m. of the next day.

Sec. 6. Said dispenser shall not himself drink, consume or give away liquor of any kind or in any quantity on the premises on which said business is conducted. Said dispenser shall not permit or suffer any person whomsoever to drink, consume or give away any liquor on said premises, but this section shall not be construed so as to prohibit the dispenser, or other employes designated by him or the Legislative body of Pell City from sampling liquors which he may contemplate purchasing. Said dispenser shall report to the Legislative body of Pell City any one whom he believes to be guilty of violating the provisions of this section.

Sec. 7. The Legislative body of Pell City shall pass ordinances necessary to carry out the provisions of this Act and to provide suitable penalties for the violation of any provision of the same.

Sec. 8. The dispenser shall not sell any spirituous, vinous or malt liquors or intoxicating drinks of any kind that are not contained in sealed packages. He shall not receive or keep any broken packages in the dispensary, and if any original package be broken the contents shall be bottled and the bottle sealed.

Sec. 9. The dispenser shall buy and sell for cash only. He shall keep an accurate account of his purchases and the amount of each day's sales. He shall make to the Legislative body of Pell City monthly re-

ports on such forms and under such directions, rules and regulations as said Legislative body require, and he shall give full and accurate information as to the condition, expenses, profits, losses and status of the business. He shall make other and additional reports, oral or in writing, whenever and as often as the said Legislative body of Pell City may require. Subject to the provisions of this Act, such Legislative body shall regulate and control the conduct and management of the said business. On the first day of January, and July in each year the Legislative body shall, after deducting all the expenses of operating the dispensary pay fifty per cent of the net profits of the preceding half year to the superintendent of education of said county, who shall keep said amount separate and apart from all other county school funds, and the same shall by him at once be applied and paid to the township and district schools in precincts Nos. 10, 12, 15, 19, 13, 14 and 11 in St. Clair county in the same proportion as the public school fund is now distributed, and to be paid by him to such of said township and district schools and in such proportion to the several schools as the trustees of the said township and school districts shall direct him, and the trustees of the said township and district schools shall direct the expenditures of the same as they think best for the furtherance of the education of the children of their respective township and districts. But no part of the said fifty per cent so paid to the superintendent of education shall go to the trustees of the Pell City school district, which district is hereby expressly excluded as a beneficiary under this part of the said profits.

Sec. 10. This act shall not repeal or effect in any manner the dispensary act creating a dispensary for Pell City, approved Feb. 28th, 1903, until the 31st day of December, 1907, unless this act shall in the meantime have been ratified by majority of the qualified voters voting at the election hereinafter named and provided for, in which event the said former act shall stand repealed and the dispensary at Pell City shall be ope-

rated and its profits distributed according to the provisions of this act.

Sec. 11. The term "Legislative body" where it appears in this act is intended to include the law-making body of the town of Pell City, whether said body is called mayor or aldermen, intendant and aldermen, council, town council, city council, mayor and councilmen, intendant and councilmen, or by other name.

Sec. 12. No gates, doors, windows or other opening shall connect said dispensary with any adjacent house or lot so as to permit ingress or egress into and out of such house or lot from and into the dispensary.

Sec. 13. Before beginning to do business under this act, the said dispensary shall procure a license to sell spirituous, vinous and malt liquors as is now or may be hereafter required by law.

Sec. 14. The Legislative body of Pell City shall not levy any tax or require any license of the said dispensary for owning or selling spirituous, vinous or malt liquors.

Sec. 15. Be it further enacted by the Legislature of Alabama, That an election shall be held at all the several voting places in Precincts Nos. 10, 12, 13, 15, 19, 14 and 11 of St. Clair county, on the 2nd Monday of April, 1907, for the purpose of determining whether or not the town of Pell City in St. Clair county shall be authorized to establish and operate a dispensary for the purpose of buying and selling spirituous, vinous and malt liquors, and to provide for the distribution of certain profits arising therefrom and for the purpose of better controlling and regulating the sale of such liquors, and for other purposes.

Sec. 16. The ballots to be cast at such election shall have printed thereon two lines, the first line shall consist of the following words, to wit: "For Dispensary," and the second line shall consist of the following words, to wit: "Against Dispensary." Every qualified elector participating in such election and desiring to vote for the establishment of a Dispensary in Pell City as herein provided, shall indicate his choice by placing a cross-

mark on the first line printed on such ballot and in front of the words "For Dispensary;" and every qualified elector participating in such election and desiring to vote against the establishment of a dispensary at Pell City as herein provided, shall indicate his choice by placing a cross mark on the second line printed on such ballot in front of the words "Against Dispensary."

Sec. 17. When any person or persons living within and a resident of one or more of the precincts Nos. 10, 12, 15, 19, 14 and 11 of St. Clair county shall deposit with the probate judge of said county, or offer to deposit, an amount of money sufficient to defray the expenses of the election herein provided for, it shall be the duty of the Board of Revenue, or court of county commissioners, or court of like jurisdiction, to order that an election shall be held in such precincts on the day herein named, and it shall be the duty of said person or persons depositing said money to post in five public places in each of said precinct notices in writing stating the time and place of the holding of such election, and shall also publish the same once a week for three consecutive weeks in some newspaper published in the county, if one there be.

Sec. 18. Said election shall be held on the day herein provided for and specified in said order and notice provided for in section 17 of this act; managers of said election and a returning officer of each precinct embraced in such order shall be appointed by the Board of Revenue, or court of county commissioners, or court of like jurisdiction as the case may be in St. Clair county, and the said election shall be held in the same manner and under the same regulations as general elections except as is herein otherwise provided, provided that the ballots are to be prepared by the Board of Revenue or court of county commissioners, or court of like jurisdiction, as the case may be, as provided for in Section 16 of this act and provided, further, that both those in favor of a dispensary and those opposed to same shall be represented on the Board of Managers, clerks and other managing officers.



Sec. 19. That the managers shall after closing the polls on the day of the election canvass and count the votes cast, and shall immediately after completing said count make out and certify to the result, and shall post a copy thereof at the place of holding such election and shall seal up their certificates together with all ballots, poll lists and tally sheets and deliver to the returning officer. The returns shall be made by the returning officer, or officers to the board of revenue, court of county commissioners, or court of like jurisdiction as the case may be, on day after the said election, and same shall be on the second day after such election canvassed and the result declared and certified by said board of revenue, or court of county commissioners, or court of like jurisdiction as the case may be, and filed with the order already on file in said office, and a copy thereof shall be posted at the court house at Ashville.

Sec. 20. All qualified electors in said precincts shall be entitled to vote at such elections and none others.

Sec. 21. Such election may be contested on the same ground and in the same manner or before the probate judge of St. Clair county, as contests of election of constable are now had before him.

Sec. 22. If a majority of the votes cast at such election are "For Dispensary," a dispensary shall be conducted at Pell City in accordance with the provisions of this act. If a majority of the votes cast at such election are "Against Dispensary" the Act approved Feb. 28th, 1903, providing a dispensary at Pell City shall be repealed to take effect on the 31st day of Dec. 1907, on or before which date its business shall be liquidated, its profits distributed, and it shall retire from business.

Sec. 23. The failure of any official to perform any of the duties imposed upon him by law, respecting such election, shall not invalidate such election or the result thereof.

C. B. Alverson,  
Sumter Cogswell.

The State of Alabama, }  
 St. Clair County. }

Personally appeared before me, Victor H. Smith, a notary public in and for said county and State, Bays D. Cather, who is known to me, and who being first by me duly sworn on oath says: That he is editor and publisher of the St. Clair Herald and Coosa Valleyan; that it is a weekly newspaper published in Pell City in said county and State, and that the attached notice providing for an act to authorize the town of Pell City, in St. Clair county, to establish and operate a dispensary for the purpose of buying and selling spirituous, vinous and malt liquors, and to provide for the distribution of the profits therefrom, and for the purpose of better controlling and regulating the sale of such liquors, upon the casting of a majority vote in favor of such dispensary at an election to be held by the qualified voters of precincts 10, 13, 12, 15, 19, 14, and 11 in St. Clair county on the second Monday of April, 1907; and upon the casting of a majority vote against such dispensary at the election herein provided for to repeal the act approved February 28th, 1903, establishing a dispensary at Pell City, the repeal to take effect December 31st, 1907, was published for four consecutive weeks in said newspaper in said county commencing December 19th, 1906, and including the issue of January 3rd, 1907, before the making of this affidavit.

(Signed) Bays D. Cather.

Sworn to and subscribed before me, this January 5th, 1907.

(Signed) Victor H. Smith,  
 Notary Public.

H. 83. To confer additional jurisdiction upon the county court of Choctaw county and to regulate the proceedings therein.

And sends the same to the Senate with notice and proof attached and herewith exhibited as follows:

## NOTICE OF PROPOSED BILL.

Notice is hereby given that a bill will be introduced in the next general assembly of Alabama to enact a law to further regulate and provide for the trial of misdemeanors in Choctaw county, Alabama; to provide for the commencement of prosecutions in the county court of said county, and for the delivering and transferring from the circuit court into said county court certain misdemeanors, together with all papers, docket entries and minutes in said circuit court; to provide for turning into the county court all indictments for certain misdemeanors found by the grand juries of the circuit court of said county, and for the trial of same in the said county court; to provide for a clerk of said county court, and prescribe his duties; to provide for two jury terms in each year in said county court, and for the drawing and summoning of said juries for said county court, and for organizing and empanelling of said juries in said county court; to provide for appeals from said county court to the supreme court of Alabama; to provide that all appeals from justices of the peace and notaries public be taken to the county court; to provide for a prosecuting officer of said county court and his deputy, and their fees; to provide for a salary of said deputy and his duties; to provide for the fees of the county court judge and other officers of the court; to provide for the appointment or selection of a special judge, if the judge of the said county is incompetent or incapacitated to try any cases in said county court.

The State of Alabama, }  
 Choctaw County. }

Personally appeared before me Chas. E. McCall, judge of the probate court in and for said county and State, W. L. Gray, who is known to me, and who is known to me to be the editor and publisher of the Choctaw Advocate, a newspaper published at Butler in said county, who being duly sworn by me deposes and says, as follows: That a notice of a proposed bill or act, entitled an act to further regulate the trials of misde-

meanors in Choctaw county, etc., was duly published in said newspaper once a week for four consecutive weeks next before the 8th day of January, 1907. That attached copy of said notice to this affidavit, is a true and exact copy of said notice as was published in said newspaper.

W. L. Gray,

Editor and Publisher, Choctaw Advocate.

Sworn to and subscribed before me, this the 8th day of January, 1907.

Chas. E. McCall, Probate Judge.

H. 382. To repeal an act entitled "an act to incorporate the Jackson Club." Approved February 23, 1899.

And sends the same to the Senate with notice and proof attached and herewith exhibited as follows:

#### NOTICE.

Notice is hereby given that at the next session of the Legislature of Alabama, application will be made for the passage of the following bill:

#### A BILL

To be entitled an act to repeal an act entitled, "An act to incorporate the Jackson Club." Approved February 23, 1899.

Be it enacted by the Legislature of Alabama:

1. That an act entitled "An act to incorporate the Jackson Club," approved February 23, 1899, be, and the same is hereby repealed.

The State of Alabama, }  
Jefferson County. }

Before me, D. N. Smith, a notary public in and for said county and State, personally appeared James J. Smith, who being duly and legally sworn, deposes and says that he is the business manager of the Birmingham

Ledger; that the said Birmingham Ledger is a newspaper published in the city of Birmingham, Jefferson county, Alabama; that the notice, a copy of which is hereto attached was inserted, published and appeared in the said Ledger in said Jefferson county, once a week for four consecutive weeks without cost to the State of Alabama.

James J. Smith.

Subscribed and sworn to before me this 17th day of January, 1907. D. N. Smith.

H. 383. To repeal an act entitled "an act to incorporate the Olivet Club," approved February 18, 1895.

And sends the same to the Senate with notice and proof attached and herewith exhibited as follows:

#### NOTICE.

Notice is hereby given that at the next session of the Legislature of Alabama, application will be made for the passage of the following bill:

#### "A BILL,"

To be entitled "An act to repeal an act entitled 'an act to incorporate the Olivet Club,' approved February 18, 1895.

Be it enacted by the Legislature of Alabama:

1. That an act entitled "An act to incorporate the Olivet Club," approved February 18, 1895, be, and the same is, hereby repealed.

Geo. B. Ward, Mayor.

The State of Alabama, }  
Jefferson County. }

Before me, D. N. Smith, a notary public in and for said county and State, personally appeared James J. Smith, who being duly and legally sworn, deposes and says that he is the business manager of the Birmingham Ledger; that the said Birmingham Ledger is a newspa-

per published in the city of Birmingham, Jefferson county, Alabama; that the notice, a copy of which is hereto attached was inserted, published and appeared in the said Ledger in said Jefferson county, once a week for four consecutive weeks without cost to the State of Alabama.

James J. Smith.

Subscribed and sworn to before me this 17th day of January, 1907.

D. N. Smith.

H. 384. To repeal an act entitled "an act to incorporate the Trullan Club," approved March 2, 1901.

And sends the same to the Senate with notice and proof attached and herewith exhibited as follows:

#### NOTICE.

Notice is hereby given that at the next session of the Legislature of Alabama, application will be made for the passage of the following bill:

#### "A BILL,"

To be entitled "An act to repeal an act entitled 'an act to incorporate the Trullan Club,' approved March 2, 1901.

Be it enacted by the Legislature of Alabama:

1. That an act entitled "An act to incorporate the Trullan Club," approved March 2, 1901, be, and the same is, hereby repealed.

The State of Alabama, }  
Jefferson County. }

Before me, D. N. Smith, a notary public in and for said county and State, personally appeared James J. Smith, who being duly and legally sworn, deposes and says that he is the business manager of the Birmingham Ledger; that the said Birmingham Ledger is a newspaper published in the city of Birmingham, Jefferson county, Alabama; that the notice, a copy of which is hereto attached was inserted, published and appeared

in the said Ledger in said Jefferson county, once a week for four consecutive weeks without cost to the State of Alabama.

James J. Smith.

Subscribed and sworn to before me this 17th day of January, 1907.

D. N. Smith.

H. 385. To repeal the charter of the Shakespeare Club of Birmingham, Ala."

And sends the same to the Senate with notice and proof attached and herewith exhibited as follows:

NOTICE.

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Notice is hereby given that at the next session of the Legislature of Alabama, application will be made for the passage of the following bill:

"A BILL,"

To be entitled "An act to repeal the charter of the Shakespeare Club of Birmingham, Ala."

Be it enacted by the Legislature of Alabama:

1. That the charter of the Shakespeare Club of Birmingham, Ala., be, and the same is, hereby repealed.

The State of Alabama, }  
Jefferson County. }

Before me, D. N. Smith, a notary public in and for said county and State, personally appeared James J. Smith, who being duly and legally sworn, deposes and says that he is the business manager of the Birmingham Ledger; that the said Birmingham Ledger is a newspaper published in the city of Birmingham, Jefferson county, Alabama; that the notice, a copy of which is hereto attached was inserted, published and appeared in the said Ledger in said Jefferson county, once a week for four consecutive weeks without cost to the State of Alabama.

James J. Smith.

Subscribed and sworn to before me this 17th day of  
January, 1907. D. N. Smith.

H. 386. To repeal an act entitled "an act to incorporate the Leisure Hour Club of Birmingham, Ala.," approved February 23, 1899.

And sends the same to the Senate with notice and proof attached and herewith exhibited as follows:

NOTICE.

Notice is hereby given that at the next session of the Legislature of Alabama, application will be made for the passage of the following bill:

"A BILL,"

To be entitled "An act to repeal an act entitled an act to incorporate the Leisure Hour Club of Birmingham, Ala.," approved February 23, 1899.

Be it enacted by the Legislature of Alabama:

1. That an act entitled "An act to incorporate the Leisure Hour Club of Birmingham, Ala.," approved February 23, 1899, be, and the same is, hereby repealed.

The State of Alabama, }  
Jefferson County. }

Before me, D. N. Smith, a notary public in and for said county and State, personally appeared James J. Smith, who being duly and legally sworn, deposes and says that he is the business manager of the Birmingham Ledger; that the said Birmingham Ledger is a newspaper published in the city of Birmingham, Jefferson county, Alabama; that the notice, a copy of which is hereto attached was inserted, published and appeared in the said Ledger in said Jefferson county, once a week for four consecutive weeks without cost to the State of Alabama.

James J. Smith.

Subscribed and sworn to before me this 17th day of  
January, 1907. D. N. Smith.



H. 387. To repeal an act entitled an act to confirm the incorporation of the Shakespeare Club of Birmingham, Ala., and change the name of said club to the Alabama Club, and to enlarge the powers and capacities of said club, approved February 18, 1891.

And sends the same to the Senate with notice and proof attached and herewith exhibited as follows:

NOTICE.

Notice is hereby given that at the next session of the Legislature of Alabama, application will be made for the passage of the following bill:

"A BILL,"

To be entitled "An act to repeal an act entitled 'an act to confirm the incorporation of the Shakespeare Club of Birmingham, Ala., and change the name of said club to the Alabama Club, and to enlarge the powers and capacities of said club,' approved February 18, 1891.

Be it enacted by the Legislature of Alabama:

1. That an act entitled "An act to confirm the incorporation of the Shakespeare Club of Birmingham, Ala., and change the name of said club to the Alabama Club, and to enlarge the powers and capacities of said club," approved February 18, 1901, be, and the same is, hereby repealed.

The State of Alabama, }  
Jefferson County. }

Before me, D. N. Smith, a notary public in and for said county and State, personally appeared James J. Smith, who being duly and legally sworn, deposes and says that he is the business manager of the Birmingham Ledger; that the said Birmingham Ledger is a newspaper published in the city of Birmingham, Jefferson county, Alabama; that the notice, a copy of which is hereto attached was inserted, published and appeared

in the said Ledger in said Jefferson county, once a week for four consecutive weeks without cost to the State of Alabama.

James J. Smith.

Subscribed and sworn to before me this 17th day of January, 1907. D. N. Smith.

H. 166. To amend section ten (10) of an act entitled: An act to regulate the trial of misdemeanors in Morgan county, approved February 23, 1899.

And sends the same to the Senate with notice and proof attached herewith exhibited as follows:

EXHIBIT A. NOTICE.

A bill will be introduced in the Legislature of Alabama (session of 1907) to amend section 10 of an act entitled "an act to regulate the trial of misdemeanors on Morgan county," approved Feb. 23rd, 1899. Said section will be so amended that the office of solicitor of the county court of Morgan county, Alabama, shall be elective, and such solicitor is to be elected by the qualified electors of Morgan county, Alabama on the first Tuesday after the first Monday in May, 1907, and whose term of office shall begin within ten days thereafter, and continue until ten days after the first Tuesday after the first Monday in November, 1908; that on the first Tuesday after the first Monday in November, 1908, such solicitor is to be elected by the qualified electors of said county, whose term of office shall continue for four years, and until his successor is elected and qualified.

(Signed) Wm. H. Long, Jr.

State of Alabama, }  
Morgan County. }

Before me, Nannie T. Long, a notary public in and for said county, in said State, personally appeared Walter M. Grubbs, who, being by me duly sworn, deposes and says: That he is editor and proprietor of a newspaper

styled, "The Decatur Weekly News;" that said newspaper is published in Decatur, Morgan county, Alabama, and is published and issued weekly; that notice of the intention to introduce a bill in the Legislature of Alabama (session of 1907) to amend section 10 of an act entitled, "An act to regulate the trial of misdemeanors in Morgan county," approved Feb. 23rd, 1899, has been published, without cost to the State of Alabama, in said newspaper, in said county and State, once a week for four consecutive weeks, beginning with the 24th day of November, 1906, issue of said paper; that said notice stated the substance of said proposed law, as shown by a copy of said notice which is hereto attached, marked "Exhibit A," and made a part and parcel of this affidavit.

(Signed) Walter M. Grubbs,  
Affiant.

Sworn and subscribed to before me, this Dec. 27, 1906.

(Signed) Nannie T. Long,  
Notary Public.

H. 508. To create the office of assistant solicitor for the county of Montgomery, Alabama, in lieu of the present office of deputy solicitor for said county, prescribing his duties, fixing his salary and providing for the method of selection for office.

And sends the same to the Senate with notice and proof attached and herewith exhibited as follows:

TO WHOM IT MAY CONCERN.

Notice is hereby given that a bill will be introduced at the next session of the Legislature of Alabama, creating the office of assistant solicitor for Montgomery county, Alabama, in lieu of the present office of deputy solicitor for said county, prescribing the duties of, fixing the salary of and providing for the method of selection for said office.

Jan. 3—oaw 4 wks.

State of Alabama,        }  
 Montgomery County.       }

Before me, L. A. Sanderson, a notary public in and for said State and county, personally appeared B. Hood, who being first duly sworn, doth depose and say on oath, that he is the advertising manager of the Montgomery Journal, that the advertisement hereto attached has been published once a week for four (4) consecutive weeks, viz: January 3rd, January 10th, January 17th, and January 24th, 1907, in the weekly Journal, a newspaper published in Montgomery county, Alabama; that he knows the above facts of his own personal knowledge.

Brame Hood.

Sworn to and subscribed before me this the 25th day of January, 1907.

L. A. Sanderson,  
 Notary Public, Montgomery County, Ala.

H. 462. To amend section 2301 of the Code.

And sends the same to the Senate.

H. 338. To provide for the maintenance, improvement, and protection of the public roads and bridges of St. Clair county, Alabama, and to provide for a special road tax therefor; also for the purchase of implements, teams and other things necessary in the construction, and improvement of the same; to pay for the same either out of the general fund for the county or the special road fund. Providing for the appointment by the commissioner's court of said county of a road superintendent or superintendents and surveyor, fixing their pay, defining their duties and conferring special powers on the commissioners court of said county. Providing further the method of employing hands and how certain parties may be required to take out a license for the use of said public roads, providing the method of appointing apportioners and overseers and defining their duties and how they may be excused from serving as such. Defining the road year and those liable to road duty, the time they may be required to work, prescribing the manner in

which they may pay in lieu of work to the tax collector of said county, and his duty as to same, and the method of warning hands and defining those who are exempt from road duty.

And sends the same to the Senate with notice and proof attached and herewith exhibited as follows:

TO WHOM IT MAY CONCERN.

Ashville, Ala., Dec. 17, 1906.

Notice is hereby given by the undersigned citizens of St. Clair county, Alabama, of their intention to apply for the passage of an act by the Legislature of Alabama, at session commencing at Montgomery, Ala., January 8th, 1907, in reference to the public roads of St. Clair county, Ala., and in substance, as follows, to-wit:

The bill will be entitled an act to provide for the constructing, building and maintenance, improvement and protection of the public roads and bridges of St. Clair county, Ala.

Said bill and general road law of the State, not in conflict with this bill, shall constitute the road law for St. Clair county.

Said law to provide for the purchase of implements, teams and other things necessary in the construction, building, maintenance and improvement of the said public roads and bridges; to pay for the same either out of the general fund for the county or the special road fund.

Said law to provide for the appointment by the commissioners court of St. Clair county of a road superintendent or superintendents and surveyor, fixing their pay, defining their duties and conferring special powers on the commissioners court of said county in the premises.

Said law to provide method of employing hands, and that certain citizens may be required to take out a license for the use of said public roads.

Said law to provide method of appointing apportioners and overseers and defining their duties and how they may be excused from serving as such.

Said law defining the road year, and liability to road duty, and time they may be required to work, prescribing the manner in which they may pay in lieu of work to the tax collector of said county, and his duty as to same, and the method of warning hands and defining those who are exempt from road duty, and to provide for a special road tax to be levied and collectable as other taxes are levied and collected making it unlawful to obstruct public roads in certain manner, to take certain care of bridges and causeways, and to prescribe the penalty for violation in respect thereto.

This act is subject to all amendments by striking out or adding to any provision or other thing which may be made or adopted by the legislature.

December 19, 1906.

J. P. Montgomery,  
J. L. Herring,  
A. B. C. Goode,  
G. T. Jones.

State of Alabama,     }  
St. Clair County.     }

Personally appeared before me, James L. Herring, a notary public, in and for said State and county, George R. Cather, who being duly sworn, deposes and says, that he is the editor and publisher of the Southern Aegis, a newspaper published weekly, at Ashville, in St. Clair County, Alabama, and that the foregoing notice has been published in four consecutive issues, beginning Dec. 19th, 1906, and that said notice has been advertised for more than thirty consecutive days in said newspaper.

Geo. R. Cather, Publisher.

Sworn to and subscribed before me this 19th day of January, 1907.

James L. Herring,  
Notary Public for St. Clair Co., Ala.

H. 409. To fix the compensation of the members of the court of county commissioners of Morgan county, Alabama.

And sends the same to the Senate with notice and proof attached and herewith exhibited as follows:

## NOTICE.

The following bill will be introduced into the Legislature at the coming session :

## A BILL

To be entitled an act to fix the compensation of the members of the court of county commissioners of Morgan county, Alabama.

Section 1. Be it enacted by the Legislature of Alabama; That each member of the court of county commissioners of Morgan county, Alabama, shall be paid the sum of five hundred dollars per annum for services as members of such court; said sum of five hundred dollars to be paid quarterly, out of the treasury of said county.

Sec. 2. That this law shall become effective on the first day of April, 1907.

Sec. 3. That all laws, whether special or general, in conflict with this act be and the same are hereby repealed.

State of Alabama,        }  
Morgan County.        }

Before me, M. C. Burch, a notary public in and for said State and county, this day personally appeared C. J. Hildreth, who being by me duly sworn, deposes and says that he is the editor of the New Decatur Advertiser, a newspaper published in New Decatur, Morgan county, and that the above and foregoing notice hereto attached and made a part of this affidavit, was published once a week for four consecutive weeks in the New Decatur Advertiser, a weekly newspaper published in New Decatur, county of Morgan, and State of Alabama; that a copy of said notice was inserted in each copy of said paper for four consecutive weeks prior to this date and commencing on the 13th day of December, 1906, and being published once a week for every week thereafter until to-wit: the 3rd day of January, 1907.

C. J. Hildreth.

Sworn to and subscribed before me this 17th day of January, 1907.

M. C. Burch, Notary Public.

H. 290. To further regulate the sale, giving away or otherwise disposing of spirituous, vinous or malt liquors, intoxicating bitters or cordials or fruits preserved in alcoholic liquors in Fayette county, Alabama.

And sends the same to the Senate with notice and proof attached and herewith exhibited as follows:

#### NOTICE.

Is hereby given of intention of the undersigned to apply for the passage of the following law at the next session of the Legislature of Alabama, viz:

#### NOTICE OF AN ACT

To further regulate the sale, giving away or otherwise disposing of spirituous, vinous or malt liquors, intoxicating bitters, or cordials, or fruits preserved in alcoholic liquors, in Fayette county, Alabama.

Section 1. Be it enacted by the Legislature of Alabama, That after the first day of January, next, after the passage of this act it shall be unlawful for any person, firm or corporation to engage in the business of selling, bartering, or exchanging or otherwise disposing of spirituous, vinous or malt liquors, intoxicating bitters or cordials or fruits preserved in alcoholic liquors in Fayette county, Alabama, without first having obtained a license therefor in accordance with the provisions of this act.

Sec. 2. In order to secure a license to engage in the business of selling, bartering or exchanging spirituous, vinous or malt liquors or other intoxicants it shall be necessary for the person, firm or corporation applying for the same to file with the judge of probate of said county a recommendation in writing, signed by not less than a majority of the bona fide electors residing within the corporate limits of the city, town or precinct in which such applicant proposes to engage in such business, such recommendation stating that the parties signing the same are acquainted with the applicant for such



license, that such party is of good moral character and is in all respects a proper person to be licensed to engage in such business.

Sec. 3. Any person or persons signing a recommendation as above provided may withdraw his name therefrom at any time within the granting of such license, and his name shall not be considered as one of the electors, necessary to constitute a majority of such electors but if such party be otherwise qualified may be counted against the granting of such license.

Sec. 4. It shall be the duty of the judge of probate immediately upon the filing of the recommendation as hereinabove provided, to make an order setting a day for the hearing of such application, which day shall not be less than twenty nor more than forty days from the date of filing of such recommendation, and the judge of probate shall have such recommendation, with the names of the signers thereon and the order of the judge of probate upon the filing of such recommendation published in some newspaper published in said county for three consecutive weeks before the hearing of such application, and on the day set for the hearing of the same, any party or parties interested in the same, may appear and contest the truthfulness of the allegations of such petition, or the fact of their being a majority of the qualified electors having signed the said recommendation as above provided or any other question necessary to be passed upon by such judge in the granting of such application as provided by this act; and it shall be the duty of the judge of probate to hear testimony pro and con as in the trial of other causes in courts of law. For his service on such applications for license the judge of probate is entitled to a fee of ten dollars to be paid by the applicant at the time of the filing of his application for license.

Sec. 5. It shall be unlawful for any person, firm or corporation to sell, give away, deliver or otherwise dispose of, or take or receive orders for, or act as agent of another in taking or receiving orders for spirituous, vinous or malt liquors, intoxicating bitters or cordials to be

sent or shipped into territory where the sale of such liquors or articles is prohibited by law.

Sec. 6. Nothing in this act shall operate, or be so construed as to repeal any law now in force prohibiting the sale of intoxicating liquor or that may be passed by the present session of the Legislature to establish prohibition in Fayette county, Alabama.

Sec. 7. Any person, firm or corporation guilty of a violation of any of the provisions of sections one or five shall be guilty of a misdemeanor and upon conviction shall be fined not less than fifty nor more than five hundred dollars and may also be imprisoned in the county jail or sentenced to hard labor for the county for not more than six months.

Wm. M. Cannon.

State of Alabama, }  
Fayette County. }

Personally appeared before me, Chas. W. Sanders, a notary public in and for said county and State, R. J. Smith, known to me to be the printer and publisher of the Fayette Banner, a newspaper, known by me to be published in said county and State, who being duly sworn, says on oath, that the said R. J. Smith, affiant, is the printer and publisher of the Fayette Banner, a newspaper, and that said Fayette Banner is published in Fayette county, Alabama, and that the notice, a copy of which is hereto attached, to apply for the passage by the Legislature of Alabama, of a law as set out in said notice, has been published in said Fayette Banner, newspaper, once a week for four consecutive weeks while said newspaper was being published in said county and State, and while affiant was printer and publisher thereof.

R. J. Smith,

Sworn to and subscribed before me this 11th day of January, 1907.

Charles W. Sanders,  
Notary Public.

H. 373. To provide for an election by the qualified electors of Tuscaloosa county to determine whether the sale, barter, exchange, giving away or otherwise disposing of vinous, spirituous or malt liquors, intoxicating beverages, bitters and proprietary medicines shall be wholly prohibited in said county, and if a majority of said electors shall vote in favor of prohibition to prohibit the sale, barter, exchange, giving away, lending, delivering or otherwise disposing of spirituous, vinous or malt liquors, intoxicating beverages, bitters and proprietary medicines and to prohibit the shipping into said county by any common carrier and the bringing into said county by any person for the use of any other person than himself, any such spirituous, vinous or malt liquors, intoxicating beverages, bitters or proprietary medicines from any place within this State, and to prohibit the taking or soliciting of orders for spirituous, vinous or malt liquors, intoxicating beverages, bitters or proprietary medicines in said county, and to prohibit the giving of orders for spirituous, vinous or malt liquors, intoxicating beverages, bitters or proprietary medicines by any person in said county over any telegraph or telephone line, and to provide penalties for all such prohibited acts.

And send the same to the Senate with notice and proof attached and herewith exhibited as follows:

#### NOTICE.

Notice is hereby given that there will be introduced and offered for passage at the session of the Legislature which will convene on January 8, 1907, a bill applicable to Tuscaloosa county, substantially as follows:

#### A BILL

To be entitled an act to provide for an election by the qualified electors of Tuscaloosa county to determine whether the sale, barter, exchange, giving away or otherwise disposing of vinous, spirituous or malt liquors, intoxicating beverages, bitters and proprie-

tary medicines shall be wholly prohibited in said county, and if a majority of said electors shall vote in favor of prohibition to prohibit the sale, barter, exchange, giving away, lending, delivering or otherwise disposing of spirituous, vinous or malt liquors, intoxicating beverages, bitters and proprietary medicines, and to prohibit the shipping into said county by any common carriers and the bringing into said county by any person for the use of any other person than himself any such spirituous, vinous or malt liquors, intoxicating beverages, bitters, or proprietary medicines from any place within this State, and to prohibit the taking or soliciting of orders for spirituous, vinous or malt liquors, intoxicating beverages, bitters or proprietary medicines in said county, and to prohibit the giving of orders for spirituous, vinous or malt liquors, intoxicating beverages, bitters or proprietary medicines by any person in said county over any telegraph or telephone line, and to provide penalties for all such prohibited acts.

Section 1. Be it enacted by the Legislature of Alabama, That whenever twenty or more resident householders and freeholders of Tuscaloosa county file in the office of the judge of the court of probate of said county a petition in writing praying for an election to ascertain the wishes of the people of Tuscaloosa county as to whether the sale, barter, exchange, giving away, lending, delivering or otherwise disposing of spirituous, vinous or malt liquors, intoxicating beverages, intoxicating bitters and intoxicating proprietary medicines shall be wholly prohibited in said county, it shall be the duty of the said probate judge to order an election and fix the time of holding thereof, which shall not be more than sixty nor less than forty days from the time of the filing of such petition. At said election all the qualified electors of said county shall be entitled to vote.

Sec. 2. Be it further enacted, That the sheriff of said county shall give notice at least thirty days before the time fixed for such election of the time of holding such

election and the purpose for which it is held by publication for three consecutive weeks in some newspaper published in said county, and the judge of probate, clerk of the circuit court and sheriff of said county shall appoint three inspectors or managers, two clerks and one returning officer for each voting place in said county, for the holding of said election, and the sheriff shall notify them of the appointment at least ten days before the time of holding such election.

Sec. 3. Be it further enacted, That the judge of probate of said county shall furnish to the managers of the said election at the respective voting places all necessary lists of the qualified electors entitled to vote in their precincts, and all necessary stationery, blanks and blank certificates and printed ballots, at the expense of the county. The number of ballots furnished to each voting place shall not be less than double the number of electors entitled to vote at such voting place. The ballot shall be a plain strip of white paper, and shall have printed on it first the words, "For Prohibition," with space sufficient above them for the numbering of the ballot, and a line running entirely across the paper immediately under them; and about a half inch below said line shall be printed the words, "Against Prohibition," with a line immediately under them.

The voter shall express his choice by making a cross mark (X) to the left of the words, "For Prohibition," or of the words "Against Prohibition," according as he may desire to vote for or against prohibition. But the ballot shall not be vitiated if the mark be placed on the right instead of the left of such words, but shall be counted the same as if it had been placed on the left thereof.

Section 4. Be it further enacted, That polls shall be opened from 7 o'clock a. m. till 6 o'clock p. m., and said election shall be otherwise held and conducted, governed in all respects as general elections for State and county officers are now by law held, conducted and governed.

Sec. 5. Be it further enacted, That the managers or inspectors of the election shall count up the votes and certify the result of the election in their respective voting places, and shall make two certificates of such re-

sults, one of which, together with the tally sheet, they shall seal in an envelope and deposit, together with the ballots, which shall also be sealed in a package, in the ballot box, which shall be sealed and by them delivered to the returning officer, who shall within forty-eight hours after the close of the polls at such election deliver the same to the sheriff of said county. The other certificate shall be safely kept by one of the managers until the expiration of thirty days after the declaration of the result of the canvassing board hereinafter provided for. The said sheriff shall safely keep the said returns and have them before the canvassing board on the day appointed for them to meet and declare the result of the election.

Sec. 6. Be it further enacted, That the probate judge, clerk of the circuit court and sheriff of said county are hereby constituted as a canvassing board to ascertain and declare the results of said election. They shall meet on the sixth day following the holding of said election, unless such day be Sunday, in which event they shall meet the day preceding such sixth day in the court house of said county and open all the boxes and canvass the returns, and their meeting shall be public. They shall take and sign a declaration or certificate of the result of said election and immediately publish the same by posting a copy thereof at the door of the court house of said county and by publication in the next succeeding issue of some weekly newspaper published in said county.

Section 7. Be it further enacted, That no contest of said election shall be instituted after the expiration of thirty days after the publication of the result thereof as herein provided.

Sec. 8. Be it further enacted, That if at such election a majority of the qualified electors voting thereat shall cast their votes for prohibition it shall be unlawful after the 15th day of January next succeeding the date of said election for any person, firm or corporation to sell, barter, exchange, give away, lend, deliver or otherwise dispose of spirituous, vinous or malt liquors, or intoxicating beverages, intoxicating bitters or intoxicating proprietary medicines in said county.

Sec. 9. Be it further enacted, That if a majority of the votes cast by the qualified electors voting at said election shall be for prohibition, it shall be unlawful, after the 15th day of January, next succeeding the date of said election for any common carrier, person, firm or corporation to ship, bring or carry into said county from any place or point within this State for the use of any other person than himself, herself or itself, or to procure or obtain for any other person any spirituous, vinous or malt liquors, intoxicating beverages, intoxicating bitters or intoxicating proprietary medicines.

Sec. 10. Be it further enacted, That if at said election a majority of the votes cast thereat by the qualified electors shall vote for prohibition it shall be unlawful after the 15th day of January, next succeeding the date of said election for any person or corporation to take or solicit in said county any order or orders for spirituous, vinous or malt liquors, intoxicating beverages, intoxicating bitters or intoxicating proprietary medicines, or to carry within or from said county any such order or orders.

Sec. 11. Be it further enacted, That if a majority of the qualified electors voting at said election shall cast their votes for prohibition it shall be unlawful after the 15th day of January next succeeding the date of said election for any person or corporation to order or give or transmit any order or orders in said county for himself or any other person or corporation over any telephone, or telegraph or telephone line, for spirituous, vinous or malt liquors, intoxicating beverages, intoxicating bitters or intoxicating proprietary medicines.

Sec. 12. Be it further enacted, That any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be imprisoned in the county jail or sentenced to hard labor for the county for not less than three months nor more than twelve months, and shall also pay a fine of not less than fifty nor more than five hundred dollars.

Sec. 13. Be it further enacted, That if any section or provision of this act shall be held or declared unconsti-

tutional or void, all the other provisions hereof shall nevertheless be held valid and of force.

Sec. 14. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

The State of Alabama, }  
Tuscaloosa County. }

Before me, the undersigned, Walter Smith, a notary public in and for said county and State, personally appeared John T. Bealle, who being first duly sworn deposes and says that the attached notice was published in the West Alabama Breeze, a newspaper published in Tuscaloosa county, Alabama, for four consecutive weeks before this date, said notice having been published in the issue of said newspaper issued on the following dates, viz.: December 26, 1906, January 2, 1907, January 9, 1907, and January 16, 1907, and that affiant is the owner and publisher of said newspaper.

John T. Bealle.

Sworn to and subscribed before me this 16 day of January, 1907.

H. 452. To authorize the establishment of a dispensary in the town of Oxford, Calhoun county, Alabama, for the purpose of buying and selling spirituous, vinous or malt liquors and to prescribe the condition on which such dispensary shall be established, and to provide for the distribution of the profits arising from the same, and to further regulate and prohibit the sale, giving away, or otherwise disposing of all intoxicating liquors except in said dispensary, and to provide that this act shall go into effect at an election to be held in the said town on the——day of——, 1907.

And sends same to the Senate with notice and proof thereto attached and herewith exhibited as follows:

#### NOTICE.

Application will be made to the next Legislature of Alabama for the passage of a bill in substance or effect as follows:



## AN ACT

To authorize the establishment of a dispensary in the town of Oxford, Calhoun county, Alabama, for the purpose of buying and selling spirituous, vinous or malt liquors, and to prescribe the condition on which such dispensary shall be established, and to provide for the distribution of the profit arising from the same, and to further regulate and prohibit the sale, giving away, or otherwise disposing of all intoxicating liquors except in said dispensary, and to provide that this act shall go into effect at an election to be held in the said town on the ——day of——, 1907. Be it enacted by the Legislature of Alabama, as follows, to-wit:

Section 1. That the town of Oxford, in Calhoun county, Alabama, shall have authority and be empowered to conduct and carry on its corporate capacity and through its legislative body the business of buying and selling spirituous, vinous and malt liquors subject to the conditions and restrictions hereinafter made.

Sec. 2. That within sixty (60) days after passage of this act an election shall be held in the said town of Oxford, Calhoun county, Alabama, notice of which election shall be given in a newspaper at least thirty (30) days before the election, such notice to be given in a newspaper published in Calhoun county. Such election shall be conducted, held and the result ascertained in all respects as other municipal elections are held in and for said municipality for the purpose of electing the executive officer and members of the legislative body of said municipality, except as may be otherwise provided herein; Provided, the ballot to be used shall be an official ballot prepared under the directions of the chief executive officer of the said town of Oxford, Calhoun county, Alabama, and shall have the words "For Dispensary" and "Against Dispensary," printed thereon, and the elector voting for a dispensary shall make a cross mark in front of the words "For Dispensary," and the elector voting against a dispensary shall make a cross mark in

front of the words "Against Dispensary." The canvassing board of such election shall certify the result of the election to the probate judge of Calhoun county, Alabama, and to the executive officer of the said town of Oxford, Calhoun county, Alabama, in writing, and such certificate shall be filed in the office of the probate judge, and with the records of the said town and shall be preserved.

Sec. 3. If the canvassing board shall certify by such certificate that a majority was cast for a dispensary, said municipality shall be authorized and empowered to conduct and carry on its corporate capacity and through its legislative body the business of buying and selling spirituous, vinous and malt liquors as provided in section 1 of this act, and subject to the restrictions and conditions herein contained. After one election has been ordered and held by the said town of Oxford, Calhoun county, Alabama, under this act, no new election shall be ordered before the lapse of two years.

Sec. 4. The place at which such business shall be carried on shall be called a dispensary, and the said town of Oxford shall invest in said business a sum of money not less than five hundred dollars (\$500.00) nor more than twenty-five hundred dollars (\$2,500.00). The liquors bought and sold as herein provided shall be of the best and the purest quality.

Sec. 5. That the office of the dispenser is hereby created. The first dispenser under this act shall be elected by the legislative body of the said town of Oxford, immediately after this act goes into effect, and he shall hold office, unless sooner removed under the provisions of this act, until after the next regular election, when a successor shall be elected by the newly elected legislative body of the said town. It shall be the duty of each newly elected legislative body of said town to elect a dispenser for said town at their first regular meeting after their election. And such dispenser shall hold office during the term of such legislative body unless sooner removed from said office under the provisions of this act. Such dispenser shall be esteemed as honest, temperate, law-abiding and competent to carry on a dispen-

sary in the said town. Before entering upon the duties of his office he shall make oath or affirmation before an officer authorized to administer oaths, that he will obey all laws of the State of Alabama and the town of Oxford, Calhoun county, Alabama, relative to the sale or giving away, or delivering of liquors of any kind; he shall also before beginning business execute to the town of Oxford a bond of such sum as said legislative body of the said town may prescribe conditioned for the honest and faithful performance of all his duties as such dispenser. Said bond shall have at least two sufficient sureties and be approved by the mayor of the said town. For the neglect of business, incompetency, misfeasance or malfeasance in office or for a violation of any of the regulations prescribed by said town of Oxford, Calhoun county, Alabama, for the management of the said dispensary, a dispenser may be impeached by the legislative body of the said town; and for cause, to be judged of by said body, the dispenser may be removed from office. Whenever a vacancy occurs in said office from any cause whatever, the legislative body of said town shall elect a dispenser to fill the vacancy.

Sec. 6. That the legislative body of the said town shall fix the amount of the salary of the dispenser before he is elected; such salary shall not be less than \$400.00 per annum nor more than \$900.00 per annum, and shall be paid in equal monthly installments on the first day of each month out of the general funds of the said town. The said legislative body of said town shall not make nor permit the amount of the said salary to depend on the amount of sales that may be made by the dispenser.

Sec. 7. That said dispenser shall not sell any liquors of any kind in any quantity less than one-half of a pint. He shall not make any sales to a minor or to a habitual drunkard, and he shall make no sale at any time except within the hours when said dispensary may be opened under the regulations adopted by the legislative body of the said town.

Sec. 8. That said dispenser shall not himself drink, consume or give away any liquor of any kind or in any quantity on the premises on which said business is con-

ducted. Said dispenser shall not permit or suffer any person, whomsoever to drink or consume any kind of liquor on said premises, but this section shall not be construed so as to prohibit the dispenser or some employee designated by him from sampling liquors which he may contemplate purchasing for the said business. Said dispenser shall report to the mayor of the said town and to the grand jury of the said county, any one whom he believes guilty of violating the provisions of this section.

Sec. 9. That any person that drinks or consumes any liquor on said premises, except as permitted in Sec. 5 of this act, shall be guilty of a misdemeanor and on conviction shall be fined not exceeding one hundred dollars (\$100.00).

Sec. 10. That the dispenser shall not sell any spirituous, vinous or malt liquor or intoxicating drinks of any kind that are not contained in sealed packages. He shall not keep any broken packages in the dispensary. If any original package should be broken, the contents shall at once be bottled and the bottle sealed.

Sec. 11. That the dispenser shall buy and sell for cash only and no purchase by him shall be binding on the said town until same shall be approved by the mayor of said town, or some member of the said legislative body of the said town designated for that purpose. The dispenser shall keep an accurate account of all his purchases and the amount of each day's sale, together with the names of all persons to whom the sale was made. He shall make to the legislative body of the said town daily and weekly reports on such forms and under such directions, rules and regulations as the said legislative body may require; and he shall give full and accurate information as to the conditions, expenses, profit, losses and status of business. He shall make other and additional reports oral or in writing whenever and as often as the legislative body of the said town may require. Subject to the provisions of this act, the legislative body of the said town shall regulate and control the conduct and management of the said business.

Sec. 12. That the said dispenser shall make daily deposits of all money received by him for the sale of li-

quor with the treasurer of the said town; and all purchases and other expenses made and incurred in maintaining and carrying on said business shall be paid by warrant drawn on the treasurer of said town, only when the warrant explicitly shows for what drawn and after the approval of the said legislative body of said town.

Sec. 13. That no gates, doors or windows or other openings shall connect the dispensary with any adjacent house so as to permit ingress or egress into and out of such house or lot from and to the dispensary, and no blinds or other obstructions shall be placed in the door entering into the dispensary.

Sec. 14. That if a dispensary is put in operation by said town before the 1st of January, 1908, it shall pay to the State and county a license for the remaining part of the year 1907, 1-4 annual license required by the laws of Alabama.

Sec. 15. That the said town of Oxford is hereby required to appropriate at least fifty per centum of the net profits of the business of said dispensary to the support and maintenance of school interests in said town of Oxford, and in the discretion of the legislative body any portion or all of the remaining fifty per centum may be appropriated to the school interest in Oxford.

Sec. 16. Except as provided in this act, no spirituous, vinous or malt liquors or other intoxicating drinks or beverages of any sort shall be sold, given away, or otherwise disposed of in said town. Nothing in this act shall be so construed as to prevent any person who manufactures spirituous, vinous or malt liquors in a brewery or distillery from selling the same by wholesale, in sealed packages to the dispensary in said town, or shipping same to buyers elsewhere. Any person who violates the provisions of this section shall be guilty of a misdemeanor and on conviction shall be sentenced to imprisonment in the county jail or hard labor for the county for not less than one nor more than twelve months, and may be also fined not less than fifty dollars nor more than five hundred dollars, at the discretion of the jury.

Sec. 17. That all laws or parts of laws, special, local or general, in conflict with provisions of this act be, and they are, hereby repealed.

The State of Alabama, }  
Calhoun County. }--

I, Milton A. Smith, editor and proprietor of the An-niston Daily Hot Blast, do certify that the advertisement hereto attached being application to the Legislature for the passage of a bill authorizing the establishment of a dispensary in the town of Oxford, was published in said paper on January 5th, 1907, and once a week for four successive weeks.

Milton A. Smith,  
Editor and Proprietor Hot Blast.

Sworn to and subscribed before me, this Jan. 23, 1907.  
A. B. Sawyer,  
Notary Public.

#### HOUSE MESSAGE.

The House bills in the foregoing House message were severally read once and referred to appropriate standing committees, as follows:

H. 79, 98, 340, 363, 364, 50, 83, 382, 383, 384, 385, 386, 387, 166, 508, 338, 409, to Local Legislation.

H. 165, to Judiciary.

H. 462, to Revision of Laws.

H. 290, 373, 452, to Temperance.

#### ADJOURNMENT.

At 5:30 o'clock p. m. on motion of Mr. Barbour, the Senate adjourned until 10:30 o'clock tomorrow morning.

## NINETEENTH DAY.

Tuesday, February 5th, 1907.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Cary of the city.

## ROLL CALL.

Present :

Mr. President, and

Messrs :

Barbour	Hamburger	Lusk	Reynolds
Bayles	Hamner	Merritt	Spragins
Blackmon	Hayes	Miller	Strother
Davis	Heacock	Moody	Teasley
Doster	Hinson	McWhorter	Thomas
Forrester	Jones	Overton	White
Gardner	King	Reese	Wilson
Glenn	Leith	Reid	Wimberly
Gunn	Lowe		

—34.

## JOURNAL.

On motion of Mr. Miller the reading of the Journal of yesterday was dispensed with and the same was approved.

## PRIVILEGES OF THE FLOOR.

The privileges of the floor were extended to Hon. Syd J. Bowie and Hon. S. L. Kelly for today.

## NOTICE.

S. 150. Mr. Blackmon gave to the Senate the following notice:

"Notice is hereby given that I will on tomorrow, February 6th, 1907, move the second reading of Senate bill 150, which said bill was adversed by the committee on Commerce and Common Carriers..

"This Feb. 5th, 1907.

Fred L. Blackmon."

## RECOMMITMENT OF BILL.

On motion of Mr. Lusk,

S. 252. To amend section 4431 of the Code.

Which was on this morning reported favorably by the committee on Privileges and Elections, was recommitted to the committee on Rules.

## INTRODUCTION OF BILLS.

On the call of the districts, bills were introduced, read and referred to appropriate standing committees, as follows:

By Mr. Blackmon:

S. 254. To authorize the courts of county commissioners and boards of revenue of the several counties to compromise and adjust claims in favor of and against their several counties.

Local Legislation.

By Mr. Bayles:

S. 255. To amend section 1883 (2885), (3182), (5015), (2840), (3532), (2425), (3061), of the Code of Alabama.

Revision of Laws.

By Mr. White:

S. 256. To regulate the practice in the supreme court of Alabama, in causes appealed to said court when the appellant was entitled to affirmative charge or judgment in the court below.

Judiciary.

By Mr. White:

S. 257. To amend section 44 of the Code of Alabama of 1896.

Revision of Laws.

By Mr. Wilson:

S. 258. To repeal an act entitled an act to constitute the town of Blountsville and vicinity, in Blount county a separate school district, approved Feb. 5th, 1885.

Mining and Manufacturing.



With notice and proof as follows:

NOTICE.

Notice is hereby given that application will be made to the Legislature of Alabama, at the next ensuing session to repeal an act, entitled an act: To constitute the town of Blountsville and vicinity, in Blount county, a separate school district, and approved February 5th, 1885.

(SIGNED)

Monroe Graves,  
Rufus B. Simms,  
W. T. Bains,  
W. V. Copeland.

Dec. 27, 4 times.

PROOF OF PUBLICATION.

The State of Alabama, }  
Blount County. }

Personally appeared before the undersigned authority, F. G. Stephens, who being first duly sworn, deposes and says that he is the publisher of the Southern Democrat, a weekly newspaper, published in Blount county in said State, and that notice of the intention to introduce at the 1907 session of the Legislature of Alabama, a bill to be entitled an act to repeal an act to constitute the town of Blountsville and vicinity, in Blount county, a separate school district, and which said act was approved February 5, 1885, has been published in said paper for four consecutive weeks beginning on Dec. 27, 1906, a copy of said notice being hereto attached.

F. G. Stephens.

Sworn to and subscribed before me, this Feb. 2, 1907.

John F. Kelton,  
Judge of Probate.

By Mr. Doster:

S. 259. To amend sections 5, 7, 11, 13, 14, of an act entitled an act, "To require the registration, branding, sale, tagging and analysis of commercial fertilizers, acid

phosphates, fertilizer materials and chemicals in the State of Alabama, approved March 3rd, 1903.

Agriculture.

#### REPORTS OF COMMITTEES.

The following bills were returned to the Senate from committees, each having been acted upon by the respective standing committees in session as, in each case, stated below, and were read a second time, and placed on the calendar, to-wit:

Mr. Merritt, from the committee on Local Legislation. Favorably:

H. 402. To provide for two janitors for the court house of Montgomery county.

Also,

H. 404. To provide bailiffs for the courts of Montgomery county.

Mr. McWhorter, from committee on Temperance. Favorably:

S. 223. Making it a misdemeanor to sell, give away, or otherwise dispose of, in Mobile county, within three miles of section nine, township two, north, range one, east, spirituous, vinous or malt liquors or intoxicating bitters or beverages.

Also,

S. 12. To define, prohibit and punish aiding and abetting or counseling or procuring an unlawful sale, purchase, gift or other unlawful disposition of spirituous, vinous or malt liquors, or other liquors prohibited by law from being sold, given or otherwise disposed of.

Mr. Overton, from the committee on Commerce and Common Carriers. Favorable:

S. 216. To provide for the assessment and collection of privilege taxes against express companies.

Also,

S. 217. To provide for the assessment and collection of privilege taxes against sleeping car companies.

Also, (with substitute) :

S. 43. To regulate railroads and other common carriers in this State, to secure reasonable rates and adequate service, and prevent unjust discrimination in their public service, and prescribe penalties for violation thereof.

SPECIAL ORDER SET.

On motion of Mr. Gardner,

S. 43. To regulate railroads and other common carriers in this State, to secure reasonable rates and adequate service, and prevent unjust discrimination in their public service, and prescribe penalties for violation thereof.

Was made a special order for Wednesday, February 6th, 1907, at 1:30 o'clock p. m.

On motion of Mr. Lusk,

S. 12. To define, prohibit and punish aiding and abetting or counseling or procuring an unlawful sale, purchase, gift or other unlawful disposition of spirituous, vinous or malt liquors, or other liquors prohibited by law from being sold, given or otherwise disposed of.

Was made a special order for Wednesday, February 6th, 1907, at 12:30 o'clock p. m.

MESSAGE FROM THE HOUSE.

Mr. President :

The House has concurred in the Senate amendments to the bill,

H. 111. Relating to the preservation, propagation and protection of game animals, wild birds and fish; establishing the department of game and fish, creating the office of State Game and Fish Commissioner, and providing for his election and compensation, creating the office of county game and fish warden, and deputy game and fish warden and providing for their appointment and compensation; creating a game and fish protection fund and appropriating money therefrom.

And the House has passed the following Senate bill:

S. 191. To prohibit and punish the selling, bartering or exchanging of spirituous, vinous or malt liquors in the county of Madison, after the first day of March, 1907, except in the dispensary for said county, located in the city of Huntsville.

Cyrus B. Brown,  
Clerk.

#### REPORT FROM THE COMMITTEE ON ENROLLED BILLS.

Mr. Moody, from the committee on Enrolled Bills, made the following report:

S. 158. "The committee on Enrolled Bills have examined and compared Senate bill No. 158,

"To establish, maintain, regulate and make efficient a dispensary for Madison county, Alabama, located in the city of Huntsville."

And find same correctly enrolled.

Frank S. Moody,  
Chairman.

#### SIGNING OF BILLS.

The President of the Senate, in the presence of the Senate, immediately after it had been publicly read at length by the secretary, signed the above Senate bill, the title of which was set out in the foregoing report from committee on Enrolled Bills.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The Speaker of the House having signed the following bill, your signature thereto is requested:

H. 325. To amend section 1876 of the Code.

Cyrus B. Brown,  
Clerk.

#### SIGNING OF BILLS.

The President of the Senate, in the presence of the Senate, immediately after it had been publicly read at

length by the secretary, signed the above House bill, the title of which is set out in the foregoing message from the House.

#### BILLS ON THIRD READING.

The bill:

H. 70. To authorize the cities of Tuscumbia and Sheffield, and the towns of Leighton and Cherokee, in Colbert county, to establish and operate dispensaries in such incorporated cities and towns for the purpose of buying and selling spirituous, vinous, and malt liquors, and to provide for the distribution of certain profits arising therefrom, and to further regulate or prohibit the sale, barter or exchange of such liquors in said county.

Was read a third time, at length, and passed.

Yeas, 31; nays, 0.

Yeas:

Messrs:

Barbour	Hamner	Lusk	Reynolds
Davis	Hayes	Merritt	Strother
Doster	Heacock	Miller	Teasley
Forrester	Hinson	Moody	Thomas
Gardner	Jones	McWhorter	White
Glenn	King	Overton	Wilson
Gunn	Leith	Reese	Wimberly
Hamburger	Lowe	Reid	

—31.

#### SPECIAL ORDER.

The hour of 12:30 o'clock p. m. having arrived, the Senate proceeded to the consideration of the special order set for this hour, which was,

S. 90. To provide for the attendance of certain children of this State on the public schools of said State, and to provide for the enforcement of said law, and to fix a penalty for the violation thereof.

The following amendment offered by the committee, to-wit:

“Amend by adding after the word in section 4 of the bill, the words: Section 5. Be it further enacted, that this act shall not take effect until October 1, 1907.”

Which was adopted.

Yeas, 18; nays, 1.

Yeas:

Messrs:

Barbour	Gunn	Leith	Reid
Davis	Hamner	Merritt	Thomas
Forrester	Hayes	McWhorter	Wilson
Gardner	Heacock	Reese	Wimberly
Glenn	Jones		

—18.

Nays: Mr. King—1.

Mr. Reynolds offered the following amendment to said bill:

Amend by adding after the word “teacher” in line six, the words “or trustees of said school district or members of board of education or school trustee.”

Which was adopted.

Yeas, 14; nays, 6.

Yeas:

Messrs:

Barbour	Heacock	McWhorter	Thomas
Glenn	Hinson	Reid	White
Hamner	Leith	Reynolds	Wilson
Hayes	Merritt		

—14.

Nays:

Messrs:

Bayles	King	Moody	Teasley
Blackmon	Lusk		

—6.

Mr. Reynolds offered the following amendment:

Amend section 3 so as to read as follows:

Section 3. Be it further enacted, That any parent or guardian who permits or allows any child between eight and fourteen years of age inclusive, to absent himself or herself from said public school for said two continuous months or who fails to see that said child between the age of eight and fourteen years, inclusive, attends the public schools of this State for at least two months in each scholastic year except as above excused or excepted shall be guilty of a misdemeanor, and upon conviction shall be fined not more than five dollars for each week in which said child is so absent and the said fines shall be paid over to the county superintendent of education of the respective counties of this State to be disbursed by the respective county boards of education in the respective districts in which the parent or guardian resides who pays said fine; and be used by the respective county boards of education of this State for the benefit of the schools of the race to which the child belongs whose parent or guardian fails to observe the provisions of this act.

Which was adopted.

Yeas, 13; nays, 10.

Yeas:

Messrs:

Bayles	Hamburger	Heacock	Merritt
Davis	Hamner	Hinson	Reynolds
Forrester	Hayes	Leith	Thomas
Gunn			

—13.

Nays:

Messrs:

Blackmon	Jones	Moody	Teasley
Doster	King	Strother	Wilson
Gardner	Lusk		

—10.

Mr. Davis offered the following amendment:

Amend by inserting after the word months in 3d line Sec. 1 of the printed bill, the following: "Provided,

however, that two or more months of said term shall include the months of Nov., Dec., Jan. and Feby."

Which on motion of Mr. Reynolds was laid on the table.

Mr. Reynolds offered the following amendment:

Amend by adding to section 2:

"Nor shall it apply to any race in any county where there is not a free public school taught for said race in every school district in said county."

Which was adopted.

Yeas, 19; nays, 8.

Yeas:

Messrs:

Barbour	Gunn	Leith	Reid
Davis	Hamner	Merritt	Reynolds
Forrester	Hayes	Miller	Wilson
Gardner	Heacock	McWhorter	Wimberly
Glenn	Hinson	Reese	

—19.

Nays:

Messrs:

Bayles	Doster	King	Moody
Blackmon	Jones	Lusk	Teasley

—8.

And said bill as thus amend, was read a third time, at length and passed.

Yeas, 13; nays, 12.

Yeas:

Messrs:

Barbour	Hayes	Leith	Reid
Gardner	Heacock	Merritt	Reynolds
Gunn	Hinson	McWhorter	Thomas
Hamburger			

—13.

Yeas:

Messrs:

Doster	Hamner	Moody	Teasley
Forrester	Jones	Overton	White
Glenn	King	Strother	Wilson

—12.



## PAIRS ANNOUNCED.

Mr. Bayles stated that he had paired his vote on S. 90 with Mr. Reese. That if Mr. Reese was present he would vote yea and taht he, Bayles would vote nay.

Mr. Lusk announced that he had paired his vote on this bill with Mr. Davis. That if Mr. Davis was present he would vote yea, and that he, Mr. Lusk would vote any.

Mr. Blackmon announced that he and Mr. Miller were paired. That if Mr. Miller was present he would vote yea, and that he, Mr. Blackmon would vote nay.

Mr. Lowe announced that he and Mr. Wimberly were paired on this vote, that if Mr. Wimberly was present he would vote yea, and that he, Mr. Lowe would vote nay.

## REPORT OF COMMITTEE ON ENROLLED BILLS.

Mr. Moody, from the committee on Enrolled Bills, reported as follows: The committee on Enrolled Bills have examined and compared the following bills:

S. 5. To prescribe and regulate passenger rates on all railroads, other than street railroads, carrying passengers between points, within the State of Alabama.

S. 15. To make the present railroad rates of freight and fare for the transportation, originating and terminating within this State, of freight and passengers the maximum rates.

S. 129. To amend an act entitled "An act to regulate and provide for the trial of misdemeanors in Washington county, Alabama, approved Feb. 21st, 1899."

And find the same correctly enrolled.

Frank S. Moody,  
Chairman.

## SIGNING OF BILLS.

The President of the Senate, in the presence of the Senate, immediately after their titles had been publicly read at length by the secretary, signed the above Senate bills, 5 and 129, the titles of which are set out in the foregoing report from the committee on Enrolled Bills.

Also,

S. 15. To make the railroad rates of freight in force January 1st, 1907, for the transportation, originating and terminating within this State the maximum rates.

The reading at length of said bills having been, on motion of Mr. Lusk dispensed with by a two-thirds vote of a quorum of the Senate present.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has adopted the joint resolution herewith sent:

By Mr. Goodwyn:

H. J. R. No. 82. Resolved, by the House, the Senate concurring, that a committee of five be raised to arrange for a trip to Mobile to attend the Mardi Gras. Said committee to be composed of the three members of the House from Mobile county, and the senator from Mobile county and one other senator to be named by the President of the Senate.

Cyrus B. Brown,  
Clerk.

#### HOUSE MESSAGE.

On motion of Mr. Lusk, the H. J. R. No. 82 contained in the foregoing message from the House, was read and referred to the committee on Rules.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bills:

H. 71. To protect purchasers and dealers from fraudulent short weight in the purchase and sale of cotton seed, wheat, shelled corn, corn in the ear, corn in the shucks, peas, rye, oats, barley and beans in packages, barrels, sacks or other coverings.

And sends the same to the Senate.

H. 423. To appropriate annually \$67,000.00 or so much thereof as is necessary, to aid rural school districts in the State to erect or repair public school houses.

And sends the same to the Senate.

H. 66. To regulate the sale of corn meal.

And sends the same to the Senate.

H. 150. To amend an act to amend section 909 of the Code of 1896, approved February 28, 1903, so far as the same relates to the times of holding the circuit court in Marion county, Alabama.

And send the same to the Senate.

H. 86. To authorize and require the commissioners' court of Clarke county, Alabama, to set apart and appropriate money from the general funds of said county with which to pay and discharge certificates of State witnesses issued by the foreman of the grand jury and by the clerk of the circuit court of said county, fees which by law become a good claim against the fine and forfeiture fund of said county, after the approval of this act, and to regulate the manner of said payments, and fixing the amount of said witness fees.

And sends the same to the Senate, with notice and proof attached and herewith exhibited as follows:

The State of Alabama, }  
Clarke County. }

Before me, Wm. D. Dunn, a notary public, in and for said State and county, personally came Isaac Grant, who being duly sworn says that he is editor and publisher of the Clarke County Democrat, a newspaper published in Grove Hill, Clarke county, Alabama, and that the above and foregoing notice was published in said newspaper once a week for four consecutive weeks.

(Signed) Isaac Grant.

Sworn to and subscribed before me, this 5th day of January, 1907.

(Signed) Wm. D. Dunn,  
Notary Public.

## NOTICE.

A bill before the next Legislature of Alabama to authorize and require the commissioners' court of Clarke county to set apart and appropriate money from the general fund of said county with which to pay certificates of State witnesses issued by the foreman of the grand jury and clerk of the circuit court of said county, fees which by law become good claims against the fine and forfeiture fund of said county, after the approval of this act, and to regulate the manner of said payments and fix the amount of said witness fees.

Nov. 30th, 1906.

Isaac Pugh.

H. 339. To provide for the better working and maintaining of the public roads in Sumter county.

And sends the same to the Senate, with notice and proof attached and herewith exhibited as follows:

## NOTICE.

Notice is hereby given that the following bill will be introduced in the next session of the Legislature of Alabama, viz.:

## A BILL

To provide for the better working and maintaining of the public roads in Sumter county.

Section 1. Be it enacted by the Legislature of Alabama, That the court of county commissioners of Sumter county are authorized to use all funds received by said court from the sale of road bonds in establishing building, improving, maintaining and working the public roads in Sumter county.

Section 2. Be it further enacted, That said funds so received from the sale of said road bonds shall be kept separate from the general fund by the county treasurer, and shall be designated as the road fund, and such fund shall be used for road purposes only, and shall only be paid out upon the warrant of said court of county commissioners.

Section 3. Be it further enacted, That said court of county commissioners shall have authority to appropriate any surplus in the general fund of said county, not otherwise appropriated, to the road fund of said county, and upon so doing, shall order the county treasurer to transfer said surplus from the general fund to the road fund.

Section 4. Be it further enacted, That said court of county commissioners are authorized and empowered to work the public roads in said county in whole or in part by contract as they may deem best.

Section 5. Be it further enacted, That the said court of county commissioners are hereby authorized and empowered to employ a competent civil engineer to change or better locate the roads to be improved or established and to prepare plans and specifications of such roads as may be built, or worked by contract, and to superintend the working, construction and location of said roads. The salary of said engineer to be paid out of the road fund.

Section 6. Be it further enacted, That said court of county commissioners are authorized to use as much of said road funds as they may deem necessary for the purchase of the necessary tools, implements, teams, wagons, machinery and material for the building, locating and working the public roads in Sumter county, and for maintaining said teams and repairing said tools, implements, teams, wagons and machinery so purchased.

Section 7. Be it further enacted, That said court of county commissioners are hereby authorized and empowered to use a part of said funds to employ a competent person or persons to operate and direct the operation of road machines or other work that may be done.

Section 8. Be it further enacted, That all male inhabitants of Sumter county between the ages of 18 and 55 years of age, and who are not exempt from road duty under the general laws of this State, shall be required to work upon the public roads of the county for ten days in each year; ten hours of faithful work each day, under the orders of the foreman, overseer or duly appointed agent of the commissioners' court; provided, that this

obligation may be discharged by the payment to the duly authorized agent of the commissioners' court of the sum of seven and 50-100 (\$7.50) dollars for the calendar year. A receipt from such agent shall be prima facie evidence of such payment. Said sum when so paid shall be turned over by said agent to the county treasurer and become a part of the road fund of the county.

Section 9. Be it further enacted , That the provisions of this act shall apply to all male inhabitants of said county between the ages of 18 and 55 years not exempt from road duty under the general laws of this State, whether resident in any incorporated town or city in said county or not. Provided, further, that any amount paid by a resident of any incorporated town or city as street tax to said incorporated town or city may be credited on the amount herein required to be paid as road tax and the balance only of the said seven and 50-100 dollars paid to the said agent of said commissioners' court.

Section 10. Be it further enacted, That any person subject to road duty under the foregoing sections of this act shall be liable to work on any public road in the precinct in which he resides, provided every part of same is not more than six miles distant from his residence, and the fact that he has worked on one road does not exempt him from working on another road in his precinct; provided that no person shall be required to work on the public roads more than ten days in any one year.

Section 11. Be it further enacted, That the commissioners' court of said county shall be and they are authorized and empowered to employ a foreman, agent or overseer, or as many as may be necessary, in lieu of the overseers now authorized by law, to superintend the working of the public roads in the various precincts of the county. Said foreman, agent or overseer to have the same powers and authority now conferred on overseers by the general laws of the State. The salary of such agent, overseer or foreman to be fixed by the court of county commissioners and to be paid out of the road fund of the county.

Section 12. Be it further enacted, That all fines imposed and collected under the criminal laws of the State for failure to perform road duties shall be paid to the county treasurer and become a part of the road fund of said county.

Section 13. Be it further enacted, That when a warrant is issued against the road fund of said county by the commissioners' court to any person that it shall be the duty of said person to draw said warrant from said court on the treasurer of said county and present the same for registration or payment within six months from the allowance thereof; and upon failure of any person to draw and present such warrant as above set out within the time prescribed, the same shall be forever barred, and shall not be entitled to payment or registration against said county.

Section 14. Be it further enacted, That except as the same may be in conflict with this act, the laws now in force in this State in reference to roads and bridges, shall continue in force, and such laws and parts of laws in conflict with this act in so far as they pertain to Sumter county be and the same are hereby repealed.

December 11, 1906.

P. B. Jarman,  
W. E. McGowen,  
Henry D. Long,  
R. Campbell.

The State of Alabama, }  
Sumter County. }

Personally appeared before me, P. B. Jarman, judge of probate in and for said State and county, C. H. Allen, who is personally known to me and who is known by me to be the editor of "Sumter County Sun," a weekly newspaper published in said county of Sumter, who being duly sworn, says that the notice and reference to the bill providing for the working and maintaining of the public roads in Sumter county was published in Sumter County Sun on the 27th day of December, 1906,

and on the 3rd day of January, 1907, and on the 17th day of January, 1907.

C. H. Allen,  
Ed. "Sumter County Sun."

Sworn to and subscribed before, January 17th, 1907.

P. B. Jarman,  
Judge of Probate, Sumter County, Alabama.

H. 356. To better provide for maintaining and keeping in repair public roads of Monroe county.

And sends the same to the Senate, with notice and proof attached and herewith exhibited as follows:

The State of Alabama, }  
Monroe County. }

Before me, L. J. Bugg, a notary public in and for said State and county, personally appeared Q. Salter, who being by me first duly sworn, deposes and says, that he is the editor and publisher of "The Monroe Journal," a newspaper published in Monroeville, in said State and county, and that the following notice, to-wit:

#### NOTICE.

Notice is hereby given that a bill will be introduced in the Legislature of Alabama providing for the appointment of a superintendent of public roads of Monroe county, defining his duties, fixing his compensation and term of office and amount of bond, authorizing the commissioners' court to purchase tools, teams, etc., to hire laborers, and defining rules governing same; to appropriate annually out of the general fund of the county a sum not exceeding \$2,500 for the purpose of keeping in repair said public roads and paying the superintendent; to classify the roads of Monroe county and designate those to be worked; to fix the age limit of persons subject to road duty and the number of days each shall work; to provide a penalty for violation of the road law and to provide for the exemption from labor of those persons who shall elect to make advance cash payments for such purpose, and for regulation thereof. This Nov. 27, 1906.



Was published in each issue of said paper beginning with the issue of December 6th, 1906, and continued to and contained in the issue of January 10th, 1907, and that said notice has been published for thirty days in said paper.

Q. Salter.

Sworn to and subscribed before me, this 12th day of January, 1907.

L. J. Bugg,  
Notary Public.

H. 96. To provide for the payment of certain fine and forfeiture funds in the hands of the clerk of the circuit court of Cullman county, Alabama.

And send the same to the Senate, with notice and proof attached and herewith exhibited as follows:

#### LEGAL NOTICE.

Notice is hereby given that the following bill will be introduced into the next Legislature of Alabama, viz.:

#### A BILL

Entitled an act to provide for the payment of certain fine and forfeiture funds in the hands of the clerk of the circuit court of Cullman county, Alabama.

Section 1. Be it enacted by the Legislature of Alabama, That all monies now in the hands, or which may hereafter come into the hands of the circuit clerk of Cullman county, Alabama, shall be by him paid out and distributed to the State witnesses entitled thereto, or to the county treasurer, as the case may be, under the general law of the State.

Section 2. Be it further enacted, That all laws and parts of laws in conflict herewith be and the same are hereby repealed.

Dated this Dec. 4, 1906.

Geo. H. Parker.

The State of Alabama, }  
Cullman County. }

Before me, M. L. Robertson, a notary public in and for said county and State, personally appeared J. R.

Rosson, who being duly sworn, on oath says, that he is the editor and publisher of the Cullman Democrat, a weekly newspaper published at Cullman, in Cullman county, Alabama, and that the notice, of which a true copy is hereto attached, was published in said newspaper, once a week, for four successive weeks, being in the issues of said newspaper, as follows: December 6, December 13, December 20, and December 27, 1906.

J. R. Rosson,  
Editor and Publisher.

Sworn and subscribed before me this fourteenth day of January, 1907.

M. L. Robertson,  
Notary Public.

H. 433. To authorize the court of county commissioners of Marion county, to order the county treasurer of said county to pay the outstanding warrants of said county, given for the repairs of the jail of said county, out of the general fund of said county and to further authorize said court to use at any time any balance that may be in the general fund at the end of any year for any public improvement in said county, and to authorize the county treasurer to honor warrants drawn for said purposes.

And sends the same to the Senate, with notice and proof attached and herewith exhibited as follows:

#### NOTICE.

Notice is hereby given that a bill will be introduced in the Legislature, session 1907, to authorize the court of county commissioners of Marion county to order the county treasurer to pay the outstanding warrants of said county given for repairs on the jail out of the general fund of the county, and further to authorize said court to use at any time any balance that may be in the general fund at the end of any year for any public improvement in the county and the county treasurer shall honor warrants drawn for said purposes.

C. E. Mitchell.

The State of Alabama, }  
 Marion County. }

Before me, Mack Pearce, judge of probate in and for said State and county, this day personally appeared G. J. Wilson, who being by me first duly and legally sworn, deposes and says that he is editor and publisher of the Marion County News, a weekly newspaper published at Hamilton, in said Marion county, Alabama, and that a certain notice, a true and correct copy of which is hereto attached, was inserted in said Marion County News and was published once a week for four consecutive weeks in said newspaper before the making of this affidavit.

G. J. Wilson,  
 Pub. News.

Sworn to and subscribed before me, this, the 17th day of January, A. D., 1907.

Mack Pearce,  
 Judge of Probate.

H. 483. To create an additional judge for the tenth judicial circuit of Alabama, and to provide for his election, jurisdiction, powers, authority and qualifications, to render him liable to the pains and penalties of the other judges, and to provide for the salaries of the judges of said circuit; to provide how the judges sitting in said circuit court in Jefferson county may hold court, and to regulate the holding of the circuit court in said county, in the tenth circuit, the establishment of rules of procedure and practice therein, and the summoning, empaneling and swearing of jurors to serve in said court in said county; and to secure suitable rooms, furniture and supplies for said court in said county, and the clerk thereof.

And sends the same to the Senate, with notice and proof attached and herewith exhibited as follows:

#### NOTICE.

There will be introduced at the next session of the Legislature of Alabama, a bill, the substance of which will be:

1. To create an additional judge for the tenth judicial circuit of Alabama to be elected by the Legislature or appointed by the governor, to hold office until the next general election, and thereafter every six years to be elected as other circuit judges, and to confer upon him all the jurisdiction, power, rights and authority, and to require of him all the qualifications and duties of the other judges of the tenth judicial circuit, and to provide that he shall be liable to all the pains and penalties of said other judge.

2. To provide that the judges of the tenth judicial circuit, including said additional judge and any other judge who may hold court in or preside over a circuit court in Jefferson county, at Birmingham, at the court house in said Birmingham, or such other place as may be lawfully provided, at the same time or at different times, and may try cases together, or separately, at the same time or at different times, and to provide rules of procedure for said circuit court of Jefferson county, and rules governing the practice therein, and to provide for the summoning, empaneling and swearing of jurors to serve in said court, and to provide that the board of revenue or other lawful authority of Jefferson county shall provide and maintain suitable court-rooms, furniture and supplies for the holding of courts, and for the transaction of the business of said court, and for the clerk of said court.

3. To provide for the salary of the additional judge, and that the sum fixed shall not be in excess of five thousand dollars, and that he shall be paid out of the State treasury the same sum as is now or shall hereafter be by law paid to other circuit judges out of the State treasury, and such sum out of the treasury of Jefferson county as will in addition to the amount paid out of the State treasury, equal the salary fixed by said bill.

4. To provide that the other judge of the tenth judicial circuit shall, at the expiration of the term of the present incumbent, receive the same salary as the additional judge to be created by the same sources, and in the same way.

I hereby certify that the above notice was published in the New Era on Dec. 28, 1906, for the first time. Dec. 28, 1906. Geo. W. Adkins, Publisher.

The State of Alabama, }  
Winston County. }

Before me, John S. Curtis, probate judge in and for said State and county, this day personally appeared, Geo. W. Adkins, who being duly and legally sworn, deposes and says, that he is publisher and proprietor of the New Era; that the New Era is a newspaper published in Double Springs, Winston county, Alabama, that the notice, a copy of which is hereto attached, was inserted, published and appeared regularly in the said New Era, in said Winston county, Alabama, once a week for four consecutive weeks.

Geo. W. Adkins.

Subscribed and sworn to before me, this the 18 day of January, A. D., 1907.

John S. Curtis,  
Probate Judge.

#### NOTICE.

There will be introduced at the next session of the Legislature of Alabama, a bill, the substance of which will be:

1. To create an additional judge for the tenth judicial circuit of Alabama, to be elected by the Legislature or appointed by the governor, to hold office until the next general election, and thereafter every six years to be elected as other circuit judges, and to confer upon him all the jurisdiction, power, rights and authority, and require of him all the qualifications and duties of the other judge of the tenth judicial circuit, and to provide that he shall be liable to all the pains and penalties of said other judge.

2. To provide that the judges of the tenth judicial circuit, including said additional judge and any other judge who may hold court in or preside over a circuit court in Jefferson county, may hold court in and for Jefferson county at Birmingham, at the court house at

Birmingham, or such other place as may be lawfully provided, at the same time or at different times, and may try cases together, or separately, at the same time or at different times, and to provide rules of procedure for said circuit court of Jefferson county and rules governing the practice therein, and to provide for the summoning, empaneling and swearing of jurors to serve in said court, and to provide that the board of revenue or other lawful authority of Jefferson county shall provide and maintain suitable court-rooms, furniture, and supplies for the holding of courts and for the transaction of business of said court, and for the clerk of said court.

3. To provide for the salary of the additional judge and that the sum fixed shall not be in excess of five thousand dollars, and that he shall be paid out of the State treasury the same as is now, or shall hereafter be by law paid to other circuit judge out of the State treasury, and such sum out of the treasury of Jefferson county, as will, in addition to the amount paid out of the State treasury, equal the salary fixed by said bill.

4. To provide that the other judge of the tenth judicial circuit shall, at the expiration of the term of the present incumbent, receive the same salary as the additional judge to be created by the same bill, to be payable from the same sources, and in the same way.

The State of Alabama, }  
Walker County. }

Before me, H. Wilson Cranford, a notary public, in and for said State and county, this day personally appeared J. R. Gunter, who being duly and legally sworn, deposes and says, that he is the editor of the Mountain Eagle, that the Mountain Eagle is a newspaper published in the city of Jasper, Walker county, Alabama, that the notice, a copy of which is hereto attached, was inserted, published and appeared regularly in the said Mountain Eagle, in said Walker county, Alabama, once a week for four consecutive weeks.

J. R. Gunter.

Subscribed and sworn to before me, this 16 day of January, 1907.

H. Wilson Cranford,  
Notary Public.

## NOTICE.

There will be introduced at the next session of the Legislature of Alabama, a bill, the substance of which will be:

1. To create an additional judge for the tenth judicial circuit of Alabama, to be elected by the Legislature or appointed by the governor, to hold office until the next general election, and thereafter every six years to be elected as other circuit judges, and to confer upon him all the jurisdiction, power, rights and authority, and require of him all the qualifications and duties of the other judge of the tenth judicial circuit, and to provide that he shall be liable to all the pains and penalties of said other judge.

2. To provide that the judges of the tenth judicial circuit, including said additional judge and any other judge who may hold court in or preside over a circuit court in Jefferson county, may hold court in and for Jefferson county at Birmingham, at the court house at Birmingham, or such other place as may be lawfully provided, at the same time or at different times, and may try cases together, or separately, at the same time or at different times, and to provide rules of procedure for said circuit court of Jefferson county and rules governing the practice therein, and to provide for the summoning, empaneling and swearing of jurors to serve in said court, and to provide that the board of revenue or other lawful authority of Jefferson county shall provide and maintain suitable court-rooms, furniture, and supplies for the holding of courts and for the transaction of business of said court, and for the clerk of said court.

3. To provide for the salary of the additional judge and that the sum fixed shall not be in excess of five thousand dollars, and that he shall be paid out of the State treasury the same as is now, or shall hereafter be by law paid to other circuit judge out of the State treasury, and such sum out of the treasury of Jefferson county, as will, in addition to the amount paid out of the State treasury, equal the salary fixed by said bill.

4. To provide that the other judge of the tenth judicial circuit shall, at the expiration of the term of the present incumbent, receive the same salary as the additional judge to be created by the same bill, to be payable from the same sources, and in the same way.

The State of Alabama, }  
Jefferson County. }

Before me, D. N. Smith, a notary public in and for said State and county, this day personally appeared James J. Smith, who being duly and legally sworn, deposes and says, that he is publisher of the Birmingham Ledger, that the Birmingham Ledger is a newspaper published in the city of Birmingham, Jefferson county, Alabama, that the notice, a copy of which is hereto attached, was inserted, published and appeared regularly in the said Birmingham Ledger, in said Jefferson county, Alabama, once a week for four consecutive weeks.

James J. Smith.

Subscribed and sworn to before me, this 18th day of January, A. D., 1907.

D. N. Smith,  
Notary Public.

H. 321. To prohibit the sale, barter, exchange or other disposition of spirituous, vinous or malt liquors or intoxicating beverages, tonics or decoctions within the limits of Faunsdale precinct, in Marengo county, Alabama, except at the dispensary in the town of Faunsdale.

And sends the same to the Senate with notice and proof attached and herewith exhibited as follows:

State of Alabama, }  
Marengo County. }

Personally appeared before me, Benj. F. Elmore, a Notary Public in and for the said county and State. H. A. Norton, who being first duly sworn, deposes and says that he is the publisher of "The Demopolis Times," that the said "The Demopolis Times" is a weekly newspaper regularly published at Demopolis, Marengo coun-



ty, Alabama; that he was publisher of the said newspaper during the year 1906, including the month of December, 1906, and until the present time, and is now the publisher of said newspaper; that the following notice, to-wit:

"Notice is hereby given that a bill will be introduced in the Legislature of Alabama at the approaching session thereof, prohibiting the sale, barter, exchange or other disposition of spirituous, vinous, or malt liquors or intoxicating beverages, tonics, or decoctions, within the limits of Faunsdale precinct, in Marengo county, Alabama, except at the dispensary in the town of Founs-dale.

J. C. Brown,  
A. J. Dollins,  
Enos Rogers."

December 18, 1906.

Has been published at least once a week in the said "The Demopolis Times" for four consecutive weeks, in regular issues of the said newspaper, beginning with the issue of December 20, 1906, and in each weekly issue thereafter until and including the weekly issue of January 10, 1907, to-wit: the issues of December 20, 1906, December 27, 1906, January 3, 1907, and January 10, 1907.

H. A. Norton,  
Publisher of "The Demopolis Times."

Subscribed and sworn to before me, this the 17th day of January, 1907.

(Seal.)

Benj. F. Elmore,  
Notary Public.

H. 374. For the improvement of the public roads of Tuscaloosa county.

And sends the same to the Senate with notice and proof attached and herewith exhibited as follows:

Notice is hereby given that there will be introduced and offered for passage at the session of the Legislature

which will convene on January 8, 1907, a bill applicable to Tuscaloosa county substantially as follows:

A BILL

To be entitled an act for the improvement of the public roads of Tuscaloosa county.

Section 1. Be it enacted by the Legislature of Alabama, That at the first regular meeting of the Court of County Commissioners of Tuscaloosa county, Alabama, to be held after the first day of December, 1907, and at the first regular meeting of said court in each year thereafter, said court shall appropriate and set apart out of the taxes levied for general purposes in said county such sum as the condition of the county treasury shall warrant but in no case less than one-sixth of one per centum of the total assessed valuation of property in said county, which sum shall be a part of the one-half of one per centum authorized by law for general purposes; said court shall also appropriate and set apart out of the special tax of one-fourth of one per centum, authorized by law to be levied for public buildings, bridges and roads, all of said tax of one-fourth of one per centum, except so much thereof as may be necessary to pay interest on the indebtedness of the county incurred for the building, repair or improvement of public buildings, bridges or roads. Such fund, together with all other funds which may be by law set apart or appropriated for the improvement of roads and buildings and improvement and repair of bridges in said county, shall be known as the bridge fund, and shall be kept by the county treasurer separate and apart from all other funds, and shall be used exclusively for the improvement of public roads and buildings and building and repair of bridges of Tuscaloosa county, and for the payment of debts incurred for such purposes.

Section 2. Be it further enacted, That it shall be the duty of the Board of Public Works to each year ascertain the names of all inhabitants of said county who are liable for road duty, arranged according to the election

precinct in which they live, and deliver to the tax collector of the county, alphabetically arranged, the names of all of them except those who are appointed as overseers, and the tax collector shall thereupon assess a road tax of \$3.00 against each one so liable to road duty, which shall be paid on the first day of March of each year for the current year and a receipt therefor shall be given by the tax collector, to whom a suitable book of road tax receipts shall be furnished by the county. The tax collector shall immediately after the first of March of each year return to the Board of Public Works of said county the names of all persons liable to road duty who shall not have paid the road tax, and the Board of Public Works shall thereupon apportion all such as have not paid their road tax to the several precincts into which the roads may be divided. The Board of Public Works may appoint overseers on all such portions of the road as are not worked by contract, and may let any portions of said roads to be worked, improved or opened by contract to the lowest responsible bidder, but they shall in each case require of each contractor a bond in amount not less than the contract price, with good and sufficient sureties, to be approved by the chairman of the board, payable to the county, and conditioned to faithfully perform such contract. Such contract shall specify the grades on which said roads are to be worked, the method of graveling, cherting or macadamizing, and such other stipulations as the board may see fit to insert. At least 20 per centum of the contract price shall be retained until the completion of the work, and if the contractor fails within the time prescribed by the contract or any extension thereof granted by the board to do the work in accordance with the terms of the contract, to complete the said work as required by the contract, then the retained per centage shall not be paid to the contractor, but shall be retained in the road and bridge fund. The said board may appoint overseers on all portions of the roads that are not worked by contract, and persons who have been apportioned to the road precincts of the several overseers shall be liable to work under said overseers on the public

roads of the county, exclusive of the time to open new roads, not less than eight nor more than ten days in any one year.

All persons liable to road duty who are appointed to such positions of the roads as are work by contract shall be required to work under the contractor for a like number of days whenever notified by the Board of Public Works. The Board of Public Works shall make contracts with the contractors for the compensation to be paid to the county for all such hands apportioned to them. Any person who is liable to work on the public roads of said county shall be exempt from all road duty if he shall pay to the tax collector of said county on or before the 1st day of March the sum of \$3.00 for the benefit of said road and bridge fund for the current year. Any person who fails to pay the said sum of \$3.00 on or prior to the first day of March shall be exempt if he pays to the tax collector the sum of \$3.00 and the further sum of 25 cents as a delinquent fee prior to the time he is warned to work on the public roads of the county. Any person who fails to make payment to the tax collector of said sum, as above provided, before he is warned to work upon the public roads shall be exempt if, after he is warned and before he has worked on said public roads, he shall pay to said tax collector the said sum of \$3.00 and the further sum of 50 cents as a delinquent fee. The tax collector shall be entitled to a compensation of 5 per cent on the amount of said road taxes collected by him. All road taxes shall be paid by the tax collector to the county treasurer and carried into the road and bridge fund. And fines collected in any court on the prosecution of road defaulters in said county shall not be less than three dollars and fifty cents, and shall also be paid to the county treasurer and carried into the road and bridge fund.

Section 3. Be it further enacted, That the tax collector may appoint any person or persons to receive from any and all persons liable to road duty payment of the sum which will exempt them from road duty for the current year, and such person or persons so receiving payment shall execute to all persons making such payment

a receipt for the money so paid and shall keep a stub or duplicate of such receipt, which he shall deliver to the tax collector. And the tax collector shall pay to such persons so receiving payment out of such road taxes as compensation for their services such sum or sums as he shall be authorized to pay by the Board of Public Works.

Section 4. Be it further enacted, That it shall be the duty of every person or corporation carrying on business in Tuscaloosa county and employing in his, her or its services two or more persons to furnish to the Board of Public Works of said county, or any person designated by said board, as often as requested by said board, a list of all persons in his, her or its employment who are liable to road duty under the provisions hereof. Any person or corporation who fails, neglects or refuses to furnish such list to the Board of Public Works, or any person designated by said board, shall be liable to pay as a penalty for such neglect, failure or refusal to said county \$10.00 for each person in his, her or its employment who are liable to road duty whose name he, she or it fails refuses or neglects to furnish on demand of said board through its authorized representative or person appointed by it, such sum to be recovered by suit in the name of the Board of Public Works for the use of Tuscaloosa county, and when recovered to be paid to the treasurer of said county for the benefit of the road and bridge fund.

Section 5. Be it further enacted, That all male persons in said county between the ages of eighteen years and forty-five years, and who are not exempt by law from road duty, shall be liable for duty on the public roads of said county, unless he shall have obtained from the board of health of said county a certificate that he is permanently disabled by disease, injury or other physical infirmity from doing manual labor.

Section 6. Be it further enacted, That nothing contained shall be so construed as to prohibit the Board of Public Works from adopting any other method of working or repairing the said public roads, but they shall have power to adopt any method which may be deemed

best, and to purchase all machinery and tools as in their judgment shall be necessary for the improvement of said roads.

Section 7. Be it further enacted, That the Board of Public Works shall have the power to procure by donation or purchase any gravel beds or rock suitable for macadamizing or graveling roads for use on the public roads of the county. In the event such gravel beds or rocks cannot be procured at a reasonable cost, the probate court shall have power, upon application of the Board of Public Works, to condemn the same for use upon hearing, held thirty days after notice to the owner, and shall order the payment of the damages out of the road and bridge fund. The owner may appeal to the circuit court within thirty days after said judgment of condemnation upon giving bond for costs and such sum as the judge of probate may prescribe, and with sureties approved by him. Such appeal shall be tried *de novo*.

Section 8. Be it further enacted, That the court of county commissioners may work the county convicts on the public roads of the county under such regulations as they may prescribe and may authorize the Board of Public Works to hire out all such convicts to contractors for work on said roads. In all cases of such hiring the court of commissioners shall require the contractor to enter into a contract stipulating, among other things, for the proper treatment of such convicts and reserving to the court the power to require the contractors at any time to comply with such demands and orders of the court as in the judgment of the court the welfare of such convicts may require. The court shall also require of contractors hiring convicts bonds in such amount as the probate judge shall prescribe, with good and sufficient sureties, to be approved by the probate judge, payable to the county and conditioned to faithfully perform such contracts of hire, and especially for the humane and proper care and treatment of such convicts. All funds derived from the hire of such convicts shall be paid to the county treasurer, and by him carried into the road and bridge fund.

Section 9. Be it further enacted, That any officer or person who shall wilfully fail to discharge the duties imposed upon him by this act shall be guilty of a misdemeanor, and on conviction be fined not more than fifty dollars.

Section 10. Be it further enacted, That all laws, civil and criminal, now in force in this State, and applicable to Tuscaloosa county, relating to the public roads and not in conflict with the provisions of this act shall be and remain in full force and effect.

Section 11. Be it further enacted, That all moneys that are now on hand and belonging to the road fund of said county shall be and constitute a part of the road fund provided by this act.

Section 12. Be it further enacted, That warning to work on said public road may be given by personal notice or by written or printed notice left at the house or place where the person liable to road duty lives or at his place of business at least three days before he is required to commence work on said roads.

Section 13. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act are hereby repealed.

The State of Alabama, }  
Tuscaloosa County. }

Before me the undersigned, Walter Smith, a notary public in and for said county and State personally appeared John T. Bealle, who being first duly sworn deposes and says that the attached notice was published in the West Alabama Breeze, a newspaper published in Tuscaloosa County, Alabama, for four consecutive weeks before this date, said notice having been published in the issues of said newspaper issued on the following dates, viz: December 26, 1906, January 2, 1907 and January 9 1907; and January 16, 1907; and that affiant is the owner and publisher of said newspaper.

John T. Bealle.

Sworn to and subscribed before me this 16th day of January, 1907.

Walter Smith,  
Notary Public.

H. 74. To regulate the costs in criminal cases in the circuit court of Bibb county, Alabama, in the county court of said county, and in or before the grand jury of said county; and to provide for the payment of same.

And sends the same to the Senate with notice and proof attached and herewith exhibited as follows:

LEGAL NOTICE.

Notice is hereby given that at the next session of the Legislature of the State of Alabama, a bill will be introduced and an application will be made for its passage, regulating and fixing the compensation and providing for the payment in cash of witnesses summoned and attending on behalf of the State in all criminal cases in the county court of Bibb county, in the circuit court of said county and before the grand jury of said county. And providing for the regulation of the fine and forfeiture fund of said county, and for the payment of claims now outstanding or which may hereafter accrue against said fund.

Given this December 11th, 1906.

Jerome T. Fuller,  
Representative of Bibb county.

Herbert E. Reynolds,  
Senator Eighteenth Senatorial District.

State of Alabama, }  
Bibb County. }

Personally appeared before me S. D. Logan, a notary public in and for said county and State, L. H. Nunellee who says upon his oath that the notice above was published in the Centerville Press, a paper published in said county and of which affiant is the editor, for four successive weeks, ending December 27th, 1906.

(Signed) L. H. Nunnelee,  
Editor of the Centerville Press.

Sworn to and subscribed before me, on this January 8th, 1907.

(Signed) S. D. Logan,  
N. P.



H. 132. To amend Section 5 of an act entitled "An act to provide the manner of selecting the police force in the city of Birmingham, and to provide for the efficient management of the police force of said city." Approved December 9th, 1898.

And sends the same to the Senate with notice and proof attached and herewith exhibited as follows:

State of Alabama, }  
Jefferson County. }

Before me, the undersigned authority in and for said county in said State, personally appeared E. W. Ellis who upon oath says that he is cashier of the Birmingham News Publishing Co., a corporation, and authorized as such to make this affidavit; that the said Birmingham News Publishing Company publishes the Birmingham News which is a daily paper published in the city of Birmingham in Jefferson county, Alabama, and that affiant has personal knowledge of all the facts and the truth of all the statements in this affidavit contained; and affiant further says on oath that the notice, a copy of which is hereto attached, was inserted, published and appeared in the said "Birmingham News" in said Jefferson county, Alabama, once a week for four consecutive weeks, viz: in the issue of Dec. 17th, 1906; in the issue of Dec. 24th, 1906; in the issue of Dec. 31st, 1906, and in the issue of Jan. 7th, 1907.

(Signed) E. W. Ellis.

Subscribed and sworn to before me this the 14th day of January, 1907.

(Signed) J. H. Taylor,  
Notary Public.

#### NOTICE.

Notice is hereby given that at the next session of the Legislature of Alabama, a bill will be introduced to amend Sec. 5 of an act entitled "An act to provide the manner of selecting the police force in the city of Birmingham, and to provide for the efficient management

of the police force of said city." Approved December 9th, 1898, the substance of which will be:

To fix the tenure and term of office of the members of the police force of the city of Birmingham; to prescribe the causes for which, and the manner in which, they may be suspended or discharged from said force, and to secure to the board of police commissioners of the city of Birmingham the sole and exclusive right, power and authority to elect, suspend, discharge, manage and control the said police force and the members thereof as such.

Cyrus B. Brown, Clerk.

#### HOUSE MESSAGES.

The House bills in the foregoing House message were severally read once and referred to appropriate committees as follows:

H. 66, 71, 96, 74, 150, 339, 356, 132, 433 and 374 to Local Legislation.

H. 423 and 483 to Finance and Taxation.

H. 86 to Judiciary.

H. 321 to Temperance.

#### REPORT FROM RULES COMMITTEE.

Mr. Gardner, from committee on Rules, reported favorably.

S. R. 40. Resolved by the House, the Senate concurring, That a committee of five be raised to arrange for a trip to Mobile to attend Mardi Gras. Said committee to be composed of the three members of the House from Mobile county, and the senator from Mobile county and one other senator to be named by the president of the Senate.

Mr. Lusk offered the following amendment to said resolution by adding:

That during the recess taken to attend the Mobile Mardi Gras, members of the Senate, House of Representatives and employes of both, do not draw any per diem.

Which was on motion of Mr. Reynolds, laid on the table.

Yeas, 13; nays, 12.

Yeas:

Messrs:

Barbour	Hinson	Miller	Teasley
Bayles	Leith	Overton	Thomas
Hamburger	Merritt	Reynolds	White
Hayes			

—13.

Nays:

Messrs:

Doster	Glenn	Jones	McWhorter
Forrester	Gunn	Lusk	Reid
Gardner	Hamner	Moody	Wilson

—12.

Pending the further consideration of said resolution.

#### RECESS.

At 2 o'clock P. M., on motion of Mr. Reese, the Senate took a recess until 5:30 o'clock this afternoon.

#### AFTERNOON SESSION.

The Senate met pursuant to adjournment.

A quorum was present.

#### UNFINISHED BUSINESS.

The unfinished business being the amendment offered by Mr. Lusk to House Joint Resolution 82, relative to visiting Mobile during Mardi Gras festivities.

Said amendment being as follows: "That during the recess the members of the Senate and House do not draw any per diem."

Which on motion of Mr. Hamburger was laid on the table.

Yeas, 13; nays, 12.

Yeas:

Messrs:

Bayles	Heacock	Overton	Teasley
Glenn	Leith	Reese	Thomas
Hamburger	Merritt	Reynolds	White
Hayes			

—13.

Nays:

Messrs:

Barbour	Forrester	Lowe	Spragins
Davis	Gunn	Lusk	Strother
Doster	Hamner	McWhorter	Wilson

—12.

And the resolution H. J. R. 82, was adopted.

Yeas, 11; nays, 10.

Yeas:

Messrs:

Barbour	Hayes	Overton	Teasley
Bayles	Merritt	Reese	Thomas
Hamburger	Miller	Reynolds	

—11.

Nays:

Messrs:

Davis	Hamner	Lusk	Reid
Doster	Leith	McWhorter	Wilson
Gunn	Lowe		

—10.

#### PAIR ANNOUNCED.

Mr. Glenn announced that he was paired with Mr. Spragins that he would vote aye and Mr. Spragins if present would vote no.

Mr. Jones announced he was paired with Mr. Hinson. If Mr. Hinson were present he would vote "yea" and he Jones would vote "nay."

Mr. Moody was paired with Mr. Blackmon. If Mr. Blackmon were present he would "yea" and he Moody would vote "nay."

## SPECIAL ORDER SET.

On motion of Mr. Moody

S. 188. To provide that under certain conditions an election may be held in the several counties in Alabama, each county acting by and for itself only, as to whether municipal corporations in such counties shall have authority to buy and sell, spirituous, vinous and malt liquors ; to provide that the voters at said election shall vote for dispensary or against dispensary to declare the result, and effect of said election, to define the term dispensary, as used in this act, to provide that in those counties in which, at the election aforesaid, a majority of the votes are cast "For Dispensary" the municipal corporations in said counties shall have authority to establish, maintain and operate dispensaries, and in and through such dispensaries to buy and sell spirituous, vinous and malt liquors; to prohibit and punish the selling of liquors and intoxicating drinks in said counties in any other way than by such municipal corporations through their dispensaries, to declare that the violation of certain provisions of this act shall be a misdemeanor and to provide for the punishment thereof, and to further regulate the sale of liquors in said counties; this act not being intended, however, to repeal or effect any law which prohibits the sale of liquors in any county or part of a county, or to repeal or affect any law which authorizes municipal corporations to buy and sell liquors in any county or part of a county by and through dispensaries.

Was made a continuing special order for February 6, 1907, at 1 o'clock p. m.

## MESSAGE FROM THE HOUSE.

Mr. President:—

The House has amended as therein shown and as amended has passed

S. 7. To define and prohibit the unlawful giving, issuing, using or receiving free passes, rebates, reductions, or discounts for transportation by common carriers of

passengers, and to punish the unlawful giving, issuing, using or receiving the same.

Cyrus B. Brown, Clerk.

#### HOUSE MESSAGE.

The Senate concurred in the House amendment to Senate bill No. 7, said amendment being as follows to-wit:

By adding the words "and the Young Womans Christian Association" after the word Association in lines 8 and 9.

Yeas, 20; nays, 0.

Yeas:

Messrs:

Bayles	Gunn	Lowe	Reynolds
Davis	Hamburger	Lusk	Strother
Doster	Hamner	Merritt	Thomas
Forrester	Hayes	Overton	White
Glenn	Leith	Reese	Wilson

—20.

#### MESSAGE FROM THE HOUSE.

Mr. President:—

The House has originated and passed the following bill:

H. 568. To amend sections one and two of an act entitled an act to regulate the volunteer military forces of the State of Alabama, approved February 23, 1899.

And has ordered the same sent forthwith to the Senate without engrossment.

And has originated and passed the following bills:

H. 389. To amend section 2030 of the Code.

H. 270. To make an appropriation for the compensation of the land clerk in the office of the State auditor.

And has ordered the same sent forthwith to the Senate without engrossment.

And has originated and passed the following bill:

H. 399. To amend section 1966 of the Code.

And has ordered the same sent forthwith to the Senate without engrossment.

Cyrus B. Brown, Clerk.

#### HOUSE MESSAGES.

The House bills in the foregoing House message were severally read once and referred to appropriate committees as follows:

H. 568 to Military.

H. 389 and 399 to Judiciary.

H. 270 to Finance and Taxation.

#### BILLS ON THIRD READING.

The bill,

H. 357. To authorize the secretary of State to employ a stenographer for the office of secretary of State and insurance commissioner, and to fix the compensation therefor.

Was read a third time at length and passed.

Yeas, 20; nays, 4.

Yeas:

Messrs:

Barbour	Gunn	Jones	McWhorter
Davis	Hamburger	Leith	Reese
Forrester	Hamner	Lusk	Reynolds
Gardner	Hayes	Merritt	Thomas
Glenn	Heacock	Moody	Wilson

—20.

Nays:

Messrs:

Bayles	Doster	Spragins	Strother
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—4.

#### INDEFINITE POSTPONEMENT OF BILL.

On motion of Mr. Reese Senate bill,

S. 159. To authorize the secretary of State to employ a stenographer for the office of secretary of State and

insurance commissioner, and to fix the compensation therefor.

Was indefinitely postponed.

The bill,

S. 175. To further regulate and prohibit the dealing in future contracts in the State of Alabama.

Was taken up.

Mr. Reese offered the following amendment, to-wit:

Sec. 7. The provisions of this act shall take effect on the first day of July, 1907.

Which was adopted.

Yeas, 19; nays, 1.

Yeas:

Messrs:

Barbour	Gunn	Leith	Reid
Davis	Hamburger	Lusk	Reynolds
Doster	Hayes	Merritt	Strother
Forrester	Heacock	Moody	Thomas
Glenn	Jones	McWhorter	

—19.

Nays: Mr. Spragins—1.

And the bill as thus amended was read a third time at length and passed.

Yeas, 20; nays, 0.

Yeas:

Messrs:

Bayles	Gunn	Lowe	Overton
Davis	Hamner	Lusk	Reese
Forrester	Hayes	Merritt	Strother
Gardner	Heacock	Moody	Teasley
Glenn	Leith	McWhorter	Thomas

—20.

And on motion of Mr. Reese, said bill was ordered sent forthwith to the House without engrossment.

The bill,

S. 231. To create the 15th judicial circuit of the State of Alabama, to fix the time of holding court therein



and to provide for the appointment of the judge and election of solicitor of said court.

The amendment offered by the committee as follows, to-wit:

Amend by striking out "15th" when it appears in the caption and body of the bill and inserting the word "14th."

Was adopted.

Yeas, 20; nays, 0.

Yeas:

Messrs:

Barbour	Hamburger	Lusk	Overton
Bayles	Hamner	Merritt	Reese
Forrester	Heacock	Miller	Strother
Gardner	Leith	Moody	Teasley
Gunn	Lowe	McWhorter	Thomas

—20.

And the bill as thus amended was read a third time at length and passed.

Yeas, 22; nays, 0.

Yeas:

Messrs:

Barbour	Hamner	Lusk	Strother
Davis	Hayes	Merritt	Teasley
Forrester	Heacock	Moody	Thomas
Glenn	Jones	Overton	White
Gunn	Leith	Reynolds	Wilson
Hamburger	Lowe		

—22.

#### ADJOURNMENT.

At 4:40 o'clock p. m., on motion of Mr. Overton the Senate adjourned until 10:30 o'clock tomorrow morning.

## TWENTIETH DAY.

Wednesday, February 6th, 1907.

The Senate met pursuant to adjournment.  
 Prayor by Rev. Dr. Whitten, of Ensley.

## ROLL CALL.

Mr. President, and  
 Messrs:

Barbour	Hamburger	Lowe	Reynolds
Bayles	Hamner	Lusk	Spragins
Blackmon	Hayes	Merritt	Strother
Davis	Heacock	Miller	Teasley
Doster	Hinson	Moody	Thomas
Forrester	Horton	McWhorter	White
Gardner	Jones	Overton	Wilson
Glenn	King	Reese	Wimberly
Gunn	Leith	Reid	

—35.

## JOURNAL.

On motion of Mr. Barbour, the reading of the Journal of yesterday was dispensed with and the same was approved.

## PRIVILEGES OF THE FLOOR.

Messrs. A. L. McLeod, L. E. Brown, Ed. L. Pulley, S. A. Lynn, S. J. Bowie, John B. Tally and Virgil Bouldin.

## REPORT FROM RULES COMMITTEE.

Mr. Gardner, from the committee on Rules, reported as follows:

S. 86. Motion to make S. B. 86 a special order for February 6th at 11 o'clock a. m., being referred to the committee on Rules, is hereby reported back to the Senate with a recommendation that the motion be adopted.

Lucian Gardner,  
 Chairman.

## SPECIAL ORDER SET.

On motion of Mr. Lusk,

S. 86. To further regulate the doing of business in the State of Alabama by foreign or non-resident corporations or corporations organized under or by authority of the law of any other State or government than the State of Alabama.

Was made a special order for today at 11 o'clock a. m.

## INTRODUCTION OF BILLS.

On the call of the districts, bills were introduced, read and referred to appropriate standing committees, as follows:

By Mr. Wilson:

S. 260. To detach the county of Winston from the northwestern chancery division of Alabama, to confer equity jurisdiction on the circuit court of said county; to provide for the appointment of a register for the equity side of said circuit court.

Local Legislation.

With notice and proof as follows:

Notice is hereby given that at the next session of the Legislature of Alabama, application will be made for the passage of an act detaching Winston county from the northwest chancery division, and confer equity jurisdiction on the judge of the circuit court of said county. Said act will provide that all causes pending at the time of the passage in chancery causes shall be heard and determined in the chancery court of the northwest chancery division at Jasper, Alabama, and that all causes in equity filed after the passage of said act in Winston county shall be filed, heard and determined in the circuit court at Double Springs, Alabama. Said act will provide for the appointment of a register for the equity side of said circuit court. Dated for publication, this December 21, 1906.

Z. McVay.

The State of Alabama, }  
 Winston County. }

Before me, B. J. Cowart, a notary public in and for said county, this day personally came, G. W. Adkins, known to me to be the editor and manager of The New Era, a weekly newspaper published at Double Springs, Alabama, in said county, who being by me duly sworn, deposes and says that the attached notice for the passage of an act detaching Winston county from the north western chancery division, and confer equity jurisdiction on the judge of the circuit court of said county has been published once a week for four consecutive weeks in said newspaper next before the making of this affidavit.

Geo. W. Adkins.

Sworn to and subscribed before me, this the 17 day of January, 1907.

B. J. Cowart,  
 Notary Public.

By Mr. Leith:

S. 261. To ratify and make legal all claims issued to State witnesses from March 6th, 1903, to June 9th, 1905, by the clerk of the circuit court of Walker county, or by the judge of the county court of Walker county, or by the person acting as and claiming to be judge of the county court of said county, or the clerk or person acting as clerk of said court, or issued by the foreman of any grand jury organized under what is known as the 14th judicial circuit act, approved March 6th, 1903.

Local Legislation.

With notice and proof as follows:

#### NOTICE.

Notice is hereby given that application will be made to the Legislature of Alabama, 1907 session, for the passage of an act in substance as follows:

Sec. 1. That all claims issued to State witnesses from March 6th, 1903, to June 9th, 1905, by the clerk of the circuit court of Walker county, or by the judge of the county court of Walker county, or by the person acting

as and claiming to be judge of the county court of said county, or the clerk or person acting as clerk of said court, or issued by the foreman of any grand jury organized under what is known as the 14th judicial circuit act approved March 6th, 1903, are hereby ratified and are made legal claims against the county of Walker, to be paid as provided by law.

Sec. 2. All laws and parts of laws in conflict with this act are hereby repealed.

The State of Alabama, . {  
Walker County. }

Before me, Robert S. Snoddy, in and for said State and county, personally appeared W. R. Richardson, who being duly sworn, says on oath that he is publisher of the Mountain Eagle, a newspaper published in Walker county, Alabama, and that the attached notice was published in the said paper for four consecutive weeks next preceding the making of this affidavit.

W. R. Richardson.

Sworn to and subscribed before me, this 30 day of January, 1907.

Robert S. Snoddy,  
N. P. & Ex.-off. J. P.

By Mr. Leith:

S. 262. To amend section 4757 of the Code of Alabama.

Revision of Laws.

By Mr. Gardner:

S. 263. To regulate the appraisement of damages to live stock injured or killed by railways.

Commerce and Common Carriers.

By Mr. White:

S. 264. To amend section 2 of an act entitled "An act to establish a charter for the town of Lineville, Clay county, Alabama," approved December 14th, 1898.

Local Legislation.

With notice and proof as follows:

Notice is hereby given that a bill will be introduced in the Legislature of Alabama of 1907 to alter or rear-

range the boundaries of the town of Lineville, Clay county, Alabama, the substance of which shall be as follows: A bill to be entitled an act to amend section 2 of an act entitled "An act to establish a charter for the town of Lineville, Clay county, Alabama," approved Dec. 14, 1898. Be it enacted by the Legislature of Alabama, that section 2 of said act be amended as follows: That the corporate limits of said town of Lineville shall embrace and include all the territory situate, lying and being within one mile in every direction from a point where Main street and Third avenue intersect in the center of public square in said town, but in all matters of police jurisdiction the corporate limits of said town shall extend one and one-half miles in every direction from a point where Main street and Third avenue intersect in the center of public square in said town.

The State of Alabama, {  
Clay County. }

Before me, Mae Bell Smith, a notary public in and for said State and county, personally appeared, I. A. Weaver, who being first duly sworn, deposes and says that he is editor of the Lineville Headlight, a newspaper published at Lineville, Clay county, Alabama, and that the notice hereto attached has been published in the Lineville Headlight for four consecutive weeks, said newspaper being published weekly, and said notice appearing in each weekly edition of said paper for four consecutive weeks, the date of the last insertion being February 1, 1907.

I. A. Weaver,  
Editor Lineville Headlight.

Sworn to and subscribed before me, this 4th day of February, 1907.

Mae Bell Smith,  
Notary Public.

By Mr. Strother :

S. 265. To authorize cities, towns, and other municipal corporations to make certain local improvements on the streets, avenues, alleys, highways, or other public places of such city, town, or other municipal corporation, to construct sewers; to assess the cost of all im-

provements upon the property abutting such street, avenue, alley, highway or other public place, or drained by such sewers; to make such assessments a lien on such lots or land, to provide a method for the enforcement of such lien, to provide a method for the payment of such assessment and to authorize the issue of bonds to anticipate such payment.

#### Municipal Organizations.

By Mr. Blackmon:

S. 266. To make the offices of judge of the city court of Anniston and the clerk of the city court of Anniston, in Calhoun county, Alabama, elective by the qualified electors of Calhoun county, Alabama, and to prescribe their terms of office.

#### Local Legislation.

With notice and proof as follows:

#### NOTICE.

The next Legislature will be asked to pass a law making the office of judge of the city court of Anniston, and also the office of clerk of the city court of Anniston, elective by the qualified electors of Calhoun county, and to prescribe the term of office of each of these officers.

The State of Alabama, {  
Calhoun County. }

Before me, I. E. Watson, clerk of the circuit court of Calhoun county, Alabama, personally appeared T. R. Gordon, editor and publisher of the Anniston Evening Star, who being duly sworn, deposes and says on oath that the notice hereto attached was published in the Anniston Evening Star, a newspaper published in the city of Anniston, Calhoun county, Alabama, for four consecutive weeks prior to this date; the same beginning on January 1st, 1907, and ending on January 23rd, 1907.

T. R. Gordon,  
Publisher Anniston Evening Star.

Sworn to and subscribed before me, on this the 2nd day of February, 1907.

I. E. Watson,  
Clerk Circuit Court, Calhoun County, Ala.

By Mr. Gunn:

S. 267. For the relief of L. M. Trawick, a confederate soldier, who was member of Company B, 38th Regiment of Alabama Vols. Infantry, a resident of Clarke county, Alabama; to make him a confederate pensioner under act of General Assembly of Alabama, approved on the 10th day of Feb., 1899, and entitled "An act for the relief of needy confederate soldiers and sailors resident citizens of Ala., and their widows."

Finance and Taxation.

With notice and proof as follows:

NOTICE.

There will be a bill introduced in the next Legislature of the State of Alabama to have the name of L. M. Trawick placed upon the confederate pension roll as a second class State pensioner from Clarke county, Ala.

The State of Alabama, {  
Clarke County. }

Before me, William James Johnson, a notary public, in and for said State and county, personally appeared A. B. Tucker, who being duly sworn, deposes and says, that he is editor and publisher of The Thomasville Echo, a weekly newspaper, published in Clarke county, Alabama, and that the notice hereto attached has appeared and been published in The Thomasville Echo for four consecutive weeks, to-wit: Jan. 3rd, Jan. 10th, Jan. 17th, Jan. 24th, 1907.

A. B. Tucker,

Editor and Publisher of The Thomasville Echo.

Subscribed and sworn to before me, this the 5th day of Feb., 1907.

Wm. Jas. Johnson, N. P.

By Mr. Hamner:

S. 268. To amend sections 3093, 3094, 3095, 3098, 3099, 3102, 3105, 3106, and 3108 of the Code of Alabama.

Revision of Laws.



By Mr. Hamner :

S. 269. To amend sections 2615, 2616, 2617 and 2618 of the Code of Alabama of 1896.

Banking and Insurance.

By Mr. Hamner :

S. 270. To amend sections one (1) and four (4) of an act entitled an act to amend sections 1116 (1547), 1117 (1548), 1118 (1549), 1119 (1550), and 1120 (1551) of the Code of Alabama of 1896, approved February 28th, 1903.

Banking and Insurance.

By Mr. Reese :

S. 271. To authorize and empower the mayor and aldermen, or other governing board, of cities and towns having a population of three thousand inhabitants or more, to create the office of recorder, and to fix the term of office and define the powers of such recorder, and to provide for the compensation of the same.

Revision of Laws.

By Mr. Miller :

S. 272. To authorize cities and towns in the State of Alabama to provide for the drainage thereof by sanitary and storm water sewers, ditches, surface drains, aqueducts and canals; to prescribe rules and regulations for the installation of plumbing; to enforce connection with and the use of such sewers or drains, and to regulate the same.

Local Legislation.

By Mr. Barbour, (by request) :

S. 273. To make it an offense for any depot agent, or person having control of any passenger depot with a telegraph office, to neglect or fail to keep displayed in the waiting room a bulletin board, showing when any delayed passenger train will arrive at such depot, and to prescribe the punishment therefor.

Commerce and Common Carriers.

By Mr. Miller :

S. 274. To amend section 1 of an act entitled "An act to authorize cities and towns in the State of Alabama to cause elections to be held therein to authorize the issue of bonds for purchasing or constructing public

buildings, sewers, streets, alleys, bridges, and public school works and light plants, or to construct the same, and for such other purposes as may be authorized by law; to provide for the manner of giving notice of such election, the manner of holding the same, and the payment of expenses thereby incurred, and to authorize the issue of bonds when at such election the voters thereat shall decide in favor of such bond issue," approved February 25, 1903.

#### Local Legislation.

By Mr. Bales, (by request):

S. 275. To prevent the giving or receiving of tips, rebates or any unusual or extra compensation for services other than salaries paid for same, and to prescribe a penalty for such a violation of this act.

#### Revision of Laws.

#### REPORT FROM COMMITTEE ON ENROLLED BILLS.

Mr. Moody, from the committee on Enrolled Bills, made the following report:

The committee on Enrolled Bills, having examined and compared the following Senate bills:

S. 36. To authorize the city of Eufaula to establish, maintain, regulate and operate a dispensary in the said city of Eufaula, Barbour county, Alabama, for the purchase and sale of spirituous, vinous and malt liquors, and wines, ciders and other intoxicating liquors, and to establish and perpetuate a board of commissioners for the management of said dispensary, and to prohibit the sale, except by said dispensary, of such liquors in said city of Eufaula, and to provide punishment for any violation of the provisions of this act.

S. 37. To prohibit the sale of spirituous, vinous or malt liquors, wines, ciders, or other intoxicating liquors in precinct number five, Barbour county, Alabama, except in a dispensary in the corporate limits of the city of Eufaula, and to provide punishment for the violation of this act.

S. 2. To prescribe the measure of damages for loss, destruction or injury to, or failure to deliver goods by common carriers, and to regulate the collection thereof.

And find same correctly enrolled.

Frank S. Moody,  
Chairman.

#### SIGNING OF BILLS.

The President of the Senate, in the presence of the Senate, immediately after their titles had been publicly read at length by the secretary, signed the above Senate bills, the titles of which are set out in the foregoing report from committee on Enrolled Bills. The reading at length of said bills having been dispensed with by a two-thirds vote of a quorum of the Senate present.

#### REPORT FROM COMMITTEE ON ENGROSSED BILLS.

Mr. Spragins, from the committee on Engrossed Bills, made the following report:

"The committee on Engrossed Bills report that they have examined the following engrossed Senate bills, S. 16, 231, 176, 154, 112, 113, 126, 210, 75, 79, 95, 108, 124, 137, 107, 116, and compared same with the original bills respectively and find them to be correctly engrossed.

Robt. E. Spragins,  
"Chairman."

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has adopted the joint resolution herewith sent:

H. J. R. No. 86. Be it resolved by the House, the Senate concurring, that the governor be requested to return House bill 269, An act to make appropriations for the ordinary expenses for the executive, legislative and judicial departments of the State, for the interest on the public debt and for public schools, for the purpose of correcting certain clerical errors.

## HOUSE MESSAGE.

On motion of Mr. Lusk, the Senate concurred in the foregoing House joint resolution No. 86, set out in the foregoing message from the House.

## REPORT FROM COMMITTEE ON REVISION OF THE JOURNAL.

Mr. Leith, from the committee on Revision of the Journal, makes the following report, which was adopted, to-wit:

The committee on Revision of the Journal report that they have examined the Senate Journal from the 15th, 16th, 17th, and 18th legislative days, both inclusive, of the session and find the same to be correct.

M. L. Leith,  
Chairman.

## RESOLUTIONS.

Mr. Leith offered the following joint resolution No. 42:

Whereas, it has been charged in the public press of this State, and by many merchants, that there exists a combination or trust among and between the manufacturers of guano and fertilizer in this State, and, whereas, it is charged that said combination or trust does in violation of law fix the price of guano and fertilizer, and limit the quantity of the same offered for sale,

Whereas, it is further charged that the guano and fertilizer sold by said trust or combination of guano and fertilizer, manufacturers, contains a large per cent of cheap material that has no beneficial effect on the soil, and does not increase its productiveness, and, whereas, the farmers of Alabama have a great financial interest in the price of guano and fertilizer and in the purity of the same offered for sale, now therefore,

Be it resolved by the Senate and the House concurring, that a joint committee of both Houses, to investigate said charges. Be it further resolved, that said committee shall have the power to summons witnesses before it and compel their attendance by compulsory

process, and administer oath, and shall have the power to require any person, firm or corporation engaged in the manufacture or sale of guano and fertilizer to produce his or its books before said committee.

Be it further resolved, that said committee shall have authority to sit during any recess of this Legislature, and shall make a general investigation of the sale of guano and fertilizer tags, and shall investigate who pays the tag tax, and whether or not there is any abuse of the law, requiring analysis of guano and fertilizer and tagging the same. Be it further resolved, that the attorney general shall assist the committee in making the investigation provided for in this resolution.

Be it further resolved, that said committee may employ a stenographer to take and transcribe all evidence taken by it, and shall at the conclusion of its work report to the Legislature the testimony taken, with the conclusion and recommendations of said committee.

Be it further resolved, that said committee shall receive four dollars per day while in actual service and be paid mileage as members of the Legislature are paid, and are to be paid in the same way and manner, as the members of the Legislature are paid, and if they employ a stenographer, said stenographer shall be paid by the State.

Which was read and referred to the committee on Rules.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The Speaker of the House, having signed the following House bill, your signature thereto is requested:

H. 111. An act relating to the preservation, propagation and protection of game animals, wild birds, and fish; establishing the department of game and fish; creating the office of State game and fish commissioner, and providing for his election and compensation; creating the offices of county game and fish warden, and deputy game and fish warden, and providing for their

appointment and compensation; creating a game and fish protection fund and appropriating money therefrom.

Cyrus B. Brown, Clerk

#### SIGNING OF BILLS.

The President of the Senate, in the presence of the Senate, immediately after its title had been publicly read at length by the secretary, signed the above House bill, the title of which is set out in the foregoing message from the House. The reading at length of said bill having been dispensed with by a two-thirds vote of a quorum of the Senate present.

#### REPORTS OF COMMITTEES.

The following bills were returned to the Senate from committees, each having been acted upon by the respective standing committees, in session and in each case, stated below, and were read a second time and placed on the calendar:

By Mr. Bayles, from the committee on Revision of Laws. Favorably:

H. 99. To repeal an act to empower and require the county commissioners of Cullman county to make appropriations out of the general funds to the fine and forfeiture fund of said county, approved September 29, 1903.

Also,

H. 462. To amend section 2301 of the Code.

Also,

S. 59. To amend section 871 of the Code of Alabama.

Also,

S. 48. To create the fourteenth judicial circuit for the State of Alabama, to be composed of the counties of Autauga, Chilton, Elmore and Montgomery; to confer equity jurisdiction on said court as to matters arising in Autauga, Elmore and Chilton counties, and provide for registers in chancery therein; to provide for the appointment of a judge and solicitor for said court and

for the removal of pending causes and the remanding of pending appeals to the new court; to regulate the convening of grand and petit juries in said court and to authorize the judge of said circuit court to adopt reasonable rules of practice to facilitate the business of the court.

Also,

S. 247. To provide for the holding of a term of the circuit court of the fifth judicial circuit at Goodwater in Coosa county, and to regulate the same.

Also,

S. 146. To repeal an act entitled an act to abolish the office of county treasurer of Dallas county, and to require the tax collector and other officers of said county to deposit funds belonging to the county in the City National Bank of Selma, and the Selma Savings Bank to the credit of the county, and subject to the order of the court of county revenues, approved February 8th, 1877, and to provide for the election of such treasurer.

By Mr. Hamner, from the committee on Banking and Insurance. Favorably, with a substitute:

S. 115. To increase the efficiency of trust companies.

By Mr. Hamburger, from committee on Military. Favorably:

S. 236. To be entitled an act to alter, rearrange and extend the corporate limits of the city of Mobile, Alabama.

By Mr. McWhorter, from committee on Temperance. Favorably, with amendment:

S. 87. To prohibit the sale of spirituous, vinous or malt liquors, or other intoxicating drinks, or beverages in the State of Alabama, outside the corporate limits of incorporated cities and towns.

By Mr. Miller, from committee on Finance and Taxation. Favorably:

H. 29. To amend section 3841 of the Code.

Also,

S. 157. To provide for the payment out of the State treasury of salaries of judges of law and equity courts, city courts and other courts of general common law, equity and criminal jurisdiction, or either by whatsoever name called now existing or that may hereafter be established by law, exercising jurisdiction over a single county having a population of not less than twenty thousand, and taxable property of not less than three million five hundred thousand dollars.

Also,

S. 230. To provide for the collection, compilation and publication of statistics of cotton ginned within the State; to establish a bureau of cotton statistics, and to prescribe the duties and powers of such bureau; to make appropriation for the maintenance thereof, to require ginners to make reports thereto; and to fix penalties for the violations of the provisions of this act.

Also,

S. 244. To provide for the relief of S. D. Logan.

By Mr. Lusk, from the committee on Judiciary. Favorably:

H. 389. To amend section 2030 of the Code.

Also,

H. 399. To amend section 1966 of the Code.

Also, with amendment:

H. 13. To amend section 5086 of the Code of 1896.

Also,

H. 86. To authorize and require the commissioners' court of Clarke county, Alabama, to set apart and appropriate money from the general funds of said county with which to pay and discharge certificates of State witnesses issued by the foreman of the grand jury and by the clerk of the circuit court of said county, fees which by law become a good claim against the fine and forfeiture fund of said county, after the approval of this act, and to regulate the manner of said payments, and fixing the amount of said witness fees.



By Mr. Reynolds, from committee on Education.  
Favorably:

S. 207. To amend an act approved March 4, 1903, entitled an act to create a text boox commission, and to procure for use in the public free schools in this State, a uniform series of text books; to define the duties and powers of said commission and other officers; to make an appropriation for the carrying into effect of this act; to provide punishment and penalty for the violation of the same.

Also,

S. 229. To amend section 2 of an act to establish a State normal school for the education of white female teachers and students at Livingston, in Sumter county.

By Mr. Hamburger, from committee on Military.  
Favorably:

H. 568. To amend sections one and two of an act entitled an act to regulate the voluntary military forces of the State of Alabama, approved Feb. 23, 1899.

#### SPECIAL ORDER.

The hour of 1 o'clock p. m. having arrived, Mr. Forrester called up the special order, which was a continuing order, his motion to take from the adverse calendar and read a second time and place upon the calendar:

S. 156. To amend section 1009 of the Code of Alabama, 1896.

Which motion prevailed.

Yeas, 21; nays, 5.

Yeas:

Messrs:

Barbour	Gunn	Jones	Spragins
Blackmon	Hamburger	Leith	Teasley
Davis	Hamner	McWhorter	Thomas
Doster	Hayes	Overton	Wilson
Forrester	Horton	Reynolds	Wimberly
Glenn			

Nays:  
 Messrs:  
 Bayles                Reese                Reid                Strother  
 Lusk

—5.

## MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bills:

H. 569. To repeal an act entitled an act, to provide for the sale of liquors in the precinct of Monroeville, in Limestone county, Alabama, approved September 9, 1903.

And sends the same to the Senate, with notice and proof attached and herewith exhibited as fallows:

## NOTICE.

Notice is hereby given that the following bill will be introduced, and its inactment into a law applied for, at the session of the Legislature of Alabama commencing in January, 1907, which bill shall provide in substance as follows:

A bill to be entitled an act, to repeal an act entitled an act to provide for the sale of liquors in the precinct of Mooresville, in Limestone county, Alabama, approved September 9th, 1903.

Section 1. Be it enacted by the Legislature of Alabama, That an act entitled an act to provide for the sale of liquor in the precinct of Mooresville, in Limestone county, Alabama, approved September 9th, 1903, be and the same hereby is in all things repealed.

S. J. Nethery,  
 Jno. R. Witt,  
 Jas. W. Woodruff,  
 B. N. Bibb,  
 J. W. Martin,  
 Jas. A. Hill.

The State of Alabama, {  
 Limestone County. }

Before me, George Malone, judge of probate in and for said State and county, this day personally appeared R. H. Walker, who being by me duly sworn doth depose and say, that he is the owner and proprietor of the Limestone Democrat, a newspaper published in the town of Athens, Limestone county, Alabama, and that there was published and appeared in said newspaper once a week, for four consecutive weeks, commencing with the issue of Jan. 4, 1907, the following notice, to-wit:

NOTICE.

Notice is hereby given that the following bill will be introduced, and its enactment into a law applied for, at the session of the Legislature of Alabama commencing in January, 1907, which bill shall provide in substance as follows:

A BILL

To be entitled an act, to repeal an act entitled an act to provide for the sale of liquors in the precinct of Mooresville, in Limestone county, Alabama, approved September 9, 1903.

Section 1. Be it enacted by the Legislature of Alabama, That an act entitled an act to provide for the sale of liquor in the precinct of Mooresville, in Limestone county, Alabama, approved September 9, 1903, be and the same hereby is in all things repealed.

R. H. Walker.

Sworn to and subscribed before me, this 28 day of January, 1907.  
 George Malone,  
 Judge of Probate.

H. 464. To amend an act to incorporate a separate school district in Elmore county, to be known as the Tallassee school district, approved February 23, 1899.

And sends the same to the Senate, with notice and proof attached and herewith exhibited as follows:

## NOTICE OF LOCAL BILL.

Notice is hereby given that at the next session of the Legislature of Alabama, beginning on the second Tuesday in January, 1907, a bill will be introduced for passage substantially as follows:

## A BILL

To be entitled an act to incorporate a separate school district in Elmore county, to be known as the Tallassee school district, approved February 23, 1899.

Section 1. Be it enacted by the Legislature of Alabama, That section 3 of an act entitled an act to incorporate a separate school district in Elmore county, to be known as the Tallassee school district, approved February 23, 1899, be, and the same is hereby amended so as to read as follows:

Section 3. Be it further enacted, That on the first Saturday in July, 1907, and every second year thereafter, the qualified electors of the school district known as the Tallassee school district, located in Elmore county, shall meet at the district public school house, located in Elmore county, and elect from among the householders who can read and write, residing in said district, a local board of three district trustees, who shall hold office two years or until their successors are elected and qualified. If a vacancy occurs in the board the remaining members shall have power to fill said vacancy for the unexpired term.

Lamar C. Smith.

The State of Alabama, }  
Elmore County. }

Before me, J. A. McKenzie, a notary public in and for said State and county, personally appeared F. L. McKenzie, owner, proprietor and publisher of the Tri-County Weekly, a paper published in Tallassee, Elmore county, Alabama, who is known to me, and who being by me duly sworn, deposes and says that he is the pro-

prietor and publisher of the Tri-County Weekly, a newspaper published at Tallassee, in the county of Elmore, State of Alabama; that the foregoing notice was published in said Tri-County Weekly once a week for four consecutive weeks; that the first publication of said notice appeared in said Tri-County Weekly on the 29 day of December, 1906, the second, third, and fourth publications appeared on the 5th day of Jan., 1907, and the 12th day of Jan., 1907, and 19th day of Jan., 1907, respectively.

F. L. McKenzie.

Sworn to and subscribed before me, this the 24th day of January, 1907.

J. M. McKenzie,  
Notary Public.

H. 278. To rearrange the boundaries of the town of Oxford in Calhoun county, Alabama.

And sends the same to the Senate, with notice and proof attached and herewith exhibited as follows:

#### NOTICE.

Notice is hereby given that application will be made to the Legislature of the State of Alabama, at its next session, to pass an act to rearrange the boundaries of the town of Oxford, in Calhoun county, Alabama, in substance as follows:

Section 1. Be it enacted by the Legislature of Alabama, that the corporate limits of the town of Oxford, in Calhoun county, Alabama, shall embrace and include all the territory within the following boundaries, to-wit: Beginning at a point on the section line between sections nineteen and thirty in township sixteen, range eight, one-half mile west from the point where said section line is intersected by the electric car line on Main street, near the Bank of Oxford corner; thence running south, turning to the east by a circular line to a point on said section line one-half mile east from the point where said section line is intersected by said electric car line on Main street near the Bank of Oxford corner, forming a semi-circle on the south side of said section

line with a radius of one-half a mile; thence from the point on said section line one-half mile east from the place where said section line is intersected by said electric car line on Main street near the Bank of Oxford corner, north to a point one hundred feet north of the half section line dividing section nineteen east and west; thence west on a line parallel with said half section line one mile; thence south to the point of beginning; and its police beyond its corporate limits; provided, the police jurisdiction of the town of Oxford shall not extend over any of the territory embraced in the city of Anniston.

Section 2. Be it further enacted, that all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Anniston, Ala., Jan. 15, 1907.

I, Milton A. Smith, publisher of the Anniston Hot Blast, do certify that the notice hereto attached, asking for legislation to extend the incorporate limits of the town of Oxford, Ala., was published in said paper for four consecutive weeks, viz.: on December 18th and 25th 1906, and January 1 and 8th, 1907.

Milton A. Smith, Pub.

Sworn to and subscribed before me, this 15th day of January, 1907.

A. B. Sawyer,

Notary Public, Calhoun county, Alabama.

H. 410. To prevent the selling, giving away, or otherwise disposing of spirituous, vinous and malt liquors, and other intoxicating liquors, in Pike county, otherwise than by dispensaries in the cities of Troy and Brundidge. To provide for and make efficient such dispensaries, and to prescribe penalties for the violations of this act.

And sends the same to the Senate, with notice and proof attached and herewith exhibited as follows:

COPY.

A bill to be entitled an act, to prohibit the selling, giving away, or otherwise disposing of spirituous, vin-

ous and malt liquors, and other intoxicating liquors, in Pike county, otherwise than by dispensaries in the cities of Troy and Brundidge. To provide for and make efficient such dispensaries and to prescribe penalties for the violations of this act.

The State of Alabama, }  
 Pike County. }

Before me, Ralph J. Barr, a notary public in and for said county, personally appeared Sidney Herbert Blan, who being by me first duly sworn, deposes and says that he is the editor and publisher of the Troy Messenger, a newspaper published in Pike county, Alabama, and that notice to apply to the present session of the Legislature of Alabama, for the passage of the foregoing bill has been given by publication without cost to the State, once a week for four consecutive weeks, in said newspaper, which published notice stated the intention to make such application, and contained the substance of the proposed law, that is to say, a copy of the foregoing bill.

Sidney Herbert Blan.

Sworn to and subscribed before me, this the 19th day of January, 1907.

(SEAL.)

Ralph J. Barr,  
 Notary Public.

H. 498. To prohibit the sale, barter, exchange, giving away, lending, delivering or otherwise disposing of spirituous, or malt liquors, intoxicating beverages, bitters or proprietary medicines in Lamar county, Alabama, and to prohibit the shipping into said county by any common carrier, and the bringing into said county by any person for the use of any other person than himself, any such spirituous, vinous or malt liquors, intoxicating beverages, or intoxicating bitters, or intoxicating proprietary medicines from any place within this State, and to prohibit the procuring for another or the taking or soliciting, or receiving of orders for spirituous, vinous or malt liquors, intoxicating beverages, in-

toxicating bitters, or intoxicating proprietary medicines in said county, and to prohibit the giving of orders for spirituous, vinous, or malt liquors, intoxicating beverages, or intoxicating proprietary medicines in said county, and to prohibit the giving of orders for spirituous, vinous or malt liquors, intoxicating beverages, or intoxicating bitters, or intoxicating proprietary medicines by any person in said county over any telegraph or telephone line, and to prohibit the receiving or sending by any telegraph or telephone company in said county of any order for spirituous, vinous or malt liquors, intoxicating beverages, intoxicating bitters, or intoxicating proprietary medicines, to any point within this State, and to provide penalties for all such prohibited acts, and to repeal all laws in conflict herewith.

And sends the same to the Senate, with notice and proof attached and herewith exhibited as follows:

#### AN ACT.

Notice is hereby given that the following is a substantial copy of a law that will be introduced at the coming session of the Legislature of Alabama, which will convene on January 8th, 1907, to prohibit the sale, giving away or otherwise disposing of spirituous, vinous or malt liquors in Lamar county, Alabama.

To prohibit the sale, barter, exchange, giving away, lending, delivering or otherwise disposing of spirituous, or malt liquors, intoxicating beverages, bitters or proprietary medicines in Lamar county, Alabama, and to prohibit the shipping into said county by common carrier, and the bringing into said county by any person for the use of any other person than himself, any such spirituous, vinous or malt liquors, intoxicating beverages or intoxicating bitters, or intoxicating proprietary medicines from any place within this State, and to prohibit the procuring for another or the taking or soliciting, or receiving of orders for spirituous, vinous, or malt liquors, intoxicating beverages, intoxicating bitters, or intoxicating proprietary medicines, in said county, and to prohibit the giving of orders for spiritu-



ous, vinous, or malt liquors, intoxicating beverages, or intoxicating proprietary medicines in said county, and to prohibit the giving of orders for spirituous, vinous, or malt liquors, intoxicating beverages, or intoxicating bitters, or intoxicating proprietary medicines by any person in said county over telegraph or telephone line, and to prohibit the receiving or sending by any telegraph or telephone company in said county of any order for spirituous, vinous, or malt liquors, intoxicating beverages, intoxicating bitters, or intoxicating proprietary medicines to any point within this State, and to provide penalties for all such prohibited acts, and to repeal all laws in conflict herewith.

Section 1. Be it enacted by the Legislature of Alabama, That it shall be unlawful for any person, firm or corporation to sell, barter, exchange, give away, lend, deliver or otherwise dispose of any spirituous, vinous, or malt liquors, intoxicating beverages, or intoxicating bitters, or intoxicating proprietary medicines in Lamar county, Alabama.

Section 2. Be it further enacted, That it shall be unlawful for any common carrier, person or corporation to ship, bring or carry into Lamar county from any place or point within this State for the use of any other person than himself, herself or itself, or to procure or obtain for any other person in said county any spirituous, vinous, or malt liquors or intoxicating beverages, or intoxicating bitters, or intoxicating proprietary medicines.

Section 3. Be it further enacted, That it shall be unlawful to take or solicit in Lamar county any order, or orders for spirituous, vinous, or malt liquors, intoxicating beverages, or intoxicating bitters, or intoxicating proprietary medicines, or to carry within or from said county any such order or orders.

Section 4. Be it further enacted, That it shall be unlawful for any person or corporation in said county to order, give, or receive or transmit any order or orders, to any point within this State for himself or any other person or corporation, over any telephone or telegraph line for spirituous, vinous, or malt liquors, intoxicating

beverages, or intoxicating bitters, or intoxicating proprietary medicines, to be sent, shipped or brought into Lamar county.

Section 5. Be it further enacted, That any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be imprisoned in the county jail, or sentenced to hard labor for the county for not less than three months, and shall also pay a fine of not less than fifty nor more than five hundred dollars.

Section 6. Be it further enacted, That if any section, provision or part of this act shall for any reason be or be held by any court of competent jurisdiction to be invalid, inoperative or void, the residue of this act shall not be thereby invalidated or affected.

Section 7. Be it further enacted, That this act shall go into effect and become operative from and after the date of its passage, and that all laws general or special in conflict herewith be and the same are hereby repealed.

The State of Alabama, }  
Lamar County. }

Before me, R. L. Bradley, judge of probate in and for said county, in said State, personally appeared C. S. McDougal, who, being first duly sworn, deposes and says that he is editor and publisher of the Lamar Democrat, a newspaper published in said county; that the notice attached hereto was published in said newspaper for four consecutive weeks, to-wit: in the issues of Jan. 2, 9, 16, 23.

C. S. McDougal.

Subscribed and sworn to before me, this the 24th day of January, 1907.

R. L. Bradley,  
Judge of Probate.

H. 514. To repeal an act entitled, "An act to regulate the trial of misdemeanors in Morgan county, Alabama," approved February 23, 1899, and to provide for the transfer of all causes and all papers and books relating thereto, remaining undetermined on the docket of

said county court of Morgan county, to the Morgan county law and equity court.

And sends the same to the Senate, with notice and proof attached and herewith exhibited as follows:

EXHIBIT A. NOTICE.

Notice is hereby given that there will be introduced in the coming session of the Legislature of Alabama, a bill to repeal an act entitled, "An act to regulate the trial of misdemeanors in Morgan county," approved February 23, 1899, and to provide for the transfer of all causes and all papers and books relating thereto, remaining undetermined on the docket of said county court of Morgan county, provided for in said act hereby repealed, to the Morgan county law and equity court, which court is to be established at said session of the Legislature.

S. A. Lynne,  
L. P. Troup,  
Marvin West,  
Committee.

The State of Alabama, }  
Morgan County. }

Before me, S. A. Lynne, a notary public in and for said county in said State, personally appeared J. C. Orr, who, being by me duly sworn, deposes and says that he is the editor and proprietor of the "Morgan County Times," a newspaper published in New Decatur, Morgan county, Alabama; that said newspaper is published and issued twice a week in New Decatur, in said county and State, and has been so published and issued continuously for more than twelve months; that notice of the intention to apply to the present session of the Legislature of Alabama for the passage of a law to repeal an act entitled: "An act to regulate the trial of misdemeanors in Morgan county," approved Feb. 23rd, 1899, and to provide for the transfer of all cases and all papers and books relating thereto, remaining undetermined on the docket of said county court of Morgan county, to the Morgan county law and equity court, which court is to be established at said session of the Legislature, has been published, without cost to the State of Alabama, in

said newspaper, the "Morgan County Times," in New Decatur, Alabama, once a week for four consecutive weeks, beginning with the fourth day of January, 1907, issue of said paper, and appearing in the issues of January 4th, 11th, 18th, 25th, respectively, and concluding with the 25th day of January issue of said paper; that the notice herein referred to stated the substance of said proposed law, as is shown by a copy of said notice as published and appearing in each of the issues of said paper as hereinabove stated, and which said copy is hereto attached, marked "Exhibit A," and made a part of this affidavit.

(Signed) J. C. Orr.

Sworn to and subscribed before me, this the 25th day of January, 1907.

(Signed) S. A. Lynne,  
Notary Public.

H. 376. To amend an act entitled "An act to create a board of public works for Tuscaloosa county, Alabama, and to define the powers and duties thereof" by adding thereto a section to be numbered section A, so as to make the members of the said board elective by the qualified electors of Tuscaloosa county at the general election in 1908, and at the general election every four years thereafter, and by adding a section to be numbered section 1 R providing that the members of the said board heretofore appointed by the governor and holding office on the date of the approval of this act shall continue in office until the qualification of their successors elected at the general election in 1908.

And sends the same to the Senate, with notice and proof attached and herewith exhibited as follows:

#### NOTICE.

Notice is hereby given that there will be introduced and offered for passage at the session of the Legislature of Alabama which will convene on January 8, 1907, a bill applicable to Tuscaloosa county substantially as follows:

## A BILL

To be entitled an act to amend an act entitled, "An act to create a board of public works for Tuscaloosa county, Alabama, and to define the powers and duties thereof," by adding thereto a section to be numbered section 1 A, so as to make the members of the said board elective by the qualified electors of Tuscaloosa county at the general election in 1908 and at the general election every four years thereafter and by adding a section, to be numbered section 1 B, providing that the members of said board heretofore appointed by the governor and holding offices on the date of the approval of this act shall continue in office until the qualification of their successors elected at the general election in 1908.

Section 1. Be it enacted by the Legislature of Alabama, That an act entitled, "An act to create a board of public works for Tuscaloosa county, Alabama, and to define the powers and duties thereof," approved September 29th, 1903, be and the same is hereby amended by adding the following section, to be numbered section 1A:

Section 1A. Be it further enacted, That the members of said board of public works shall be appointed by the governor, as provided in section 1 of this act, no longer than the general election for State and county officers in the year 1908 and at such general election in the year 1908 and at the general election every four years thereafter there shall be elected by the qualified electors of Tuscaloosa county a chairman and two associate members of said board of public works, who shall hold their offices for four years, and until their successors are elected and qualified. Any vacancies in said board shall be filled by appointment by the governor.

Section 2. Be it further enacted, That the said act be and is hereby further amended by adding thereto the following section, to be numbered section 1B:

Section 1B: Be it further enacted, That the members of said board of public works heretofore appointed by the governor and in office at the date of the approval of this act shall continue to hold their offices until the qual-

ification of their successors, to be elected at the general election in 1908.

Section 3. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

The State of Alabama, }  
Tuscaloosa County. }

Before me, the undersigned, Walter Smith, a notary public in and for said county and State, personally appeared John T. Bealle, who being first duly sworn, deposes and says that the attached notice was published in the Western Alabama Breeze, a newspaper published in Tuscaloosa county, Alabama, for four consecutive weeks before this date, said notice having been published in the issues of said newspaper issued on the following dates, viz.: December 26th, 1906, January 2, 1907, and January 9th, 1907, and January 16th, 1907; and that affiant is the owner and publisher of said newspaper.

(Signed) John T. Bealle.

Sworn to and subscribed before me, this 16th day of January, 1907. (Signed) Walter Smith,

H. 157. To regulate the compensation of persons serving or summoned as grand or petit jurors in Mobile county.

And sends the same to the Senate, with notice and proof attached and herewith exhibited as follows:

The State of Alabama, }  
Mobile County. }

Personally appeared before me, James A. Shelton, clerk of the city court of Mobile, John F. Holly, who being first duly sworn, deposes and says that is the advertising manager of the Daily Item; that said Daily Item is a newspaper published in the city and county of Mobile, Alabama; that the subjoined notice was published in said newspaper once a week for four successive weeks, as required by section 106 of the Constitution of the State of Alabama; that is to say

## NOTICE.

Notice is hereby given of the intention to apply to the next Legislature for the passage of the following law :

## A BILL

To be entitled an act to regulate the compensation of persons serving or summoned as grand or petit jurors in Mobile county.

Section 1. Be it enacted by the Legislature of Alabama, That from and after the passage of this act, all persons serving as regular jurors, both grand and petit, in Mobile county, are entitled to receive for their services each as follows :

Where the juror resides three miles or more from the court house of said county he shall be entitled to \$2.00 for each day's service and five cents for each mile traveled in going to and returning from the court, such mileage to be computed by the nearest route traveled, and to include ferriage actually paid, but such mileage and ferriage shall be allowed only once for going and once for returning from court.

And where such jurors reside less than three miles from the court house they shall be entitled to \$1.00 for each day's service and nothing more ;

Provided that where the juror resides three miles or more from the court house but is daily employed or engaged in business in the city of Mobile, he shall only be entitled to \$1.00 for each day's service and nothing more.

Section 2. That any person summoned as special jurors in capital cases where they reside three miles or more from the court house, shall be entitled to the same per diem, mileage and ferriage as are jurors, whether said persons are taken and accepted as jurors or not ;

Provided if such person is daily employed or engaged in business in the city of Mobile he shall not be entitled to any compensation for attendance unless he is accepted on the jury.

Section 3. The clerk of the court shall give to all persons a certificate showing the number of days served,

and whether the person be entitled to mileage and ferriage and the number of miles traveled and the amount of ferriage paid, and the amount of compensation to which he is entitled shall be paid on said certificate out of the county treasury, but no certificate shall be issued for more than \$1.00 for each day's service unless the person claiming an amount exceeding such sum shall make oath before said clerk that he resides three miles or more from the court house and is not daily employed or engaged in business in the city of Mobile.

Section 4. All salesman summoned as jurors in said county shall be entitled to the compensation hereinabove set out, and be governed by the same in respect to their claim thereto.

Section 5. All laws and parts of laws, whether general, special or local, contrary to the provisions of this act, or in any wise conflicting therewith, are hereby expressly repealed.

(Signed) John F. Holly,

Advertising Manager, Mobile, Ala.

Subscribed and sworn to before me, this the 1st day of Jan. A. D., 1907.

(Signed) John A. Shelton,

Clerk of the City Court of Mobile.

H. 397. To establish a dispensary in and for the town of Thomaston, in the county of Marengo, State of Alabama, and to provide for the conduct and regulation of the same.

And sends the same to the Senate, with notice and proof attached and herewith exhibited as follows:

The State of Alabama, }  
County of Marengo. }

Before me, J. J. Miller, a notary public in and for said county and State, personally appeared J. P. Anderson, who being first duly sworn, deposeth and saith:

That he is business manager and editor of The Thomaston Post, a weekly newspaper published in Thomaston, Marengo county; that as such business manager and editor he has charge of the publication of said paper; that the following notice, to-wit:



## NOTICE TO THE PUBLIC.

Notice is hereby given that a bill will be introduced at the next session of the Legislature of Alabama, reading substantially as follows:

## AN ACT

To establish a dispensary in and for the town of Thomaston, in the county of Marengo, State of Alabama, and to provide for the conduct and regulation of the same.

Be it enacted by the Legislature of Alabama:

Sec. 1. That there is hereby established in the corporate limits of the town of Thomaston, in the county of Marengo, in this State, a dispensary for the said town of Thomaston, to be conducted and carried on by said town, in its corporate capacity, for the buying and selling of spirituous, vinous and malt liquors, subject to the conditions and restrictions in this act contained. The place at which said business is carried on shall be called a dispensary, and said place shall be within the corporate limits of said town. The said town, for the purpose of inaugurating said business shall be and is authorized to invest therein a sum of money not exceeding two thousand dollars. The liquors bought and sold therein shall be of the best and purest quality.

Sec. 2. Said business shall be conducted by said town of Thomaston through a dispenser, and such other officers and agents as it may appoint or select for that purpose. The office of dispenser for said town is hereby created, and his term of office shall be for one year and until his successor is elected and qualified. The dispenser and said other officers and agents shall be elected by the legislative body of said town. The first dispenser shall be elected as soon as practicable after this act becomes operative.

Sec. 3. Said dispenser and all other officers, agents and persons employed in said dispensary shall be over the age of twenty-one years and shall be esteemed as honest, temperate, law abiding and competent to con-

duct the business for which they are employed, and shall be under the direction and control of the legislative body of said town. The dispenser, under the direction and control of said legislative body shall manage and carry on said dispensary, and purchase and sell the liquors for the same, and said town of Thomaston shall provide the money it wishes him to use in conducting said business. The liquors shall be purchased and sold for cash only, and the purchase and sale of the same except for cash is hereby prohibited.

Sec. 4. Before entering upon the duties of his office said dispenser shall make affidavit before an officer authorized to administer oaths that he will obey all the laws of the State of Alabama and the town of Thomaston, relative to the sale, giving away or otherwise disposing of liquors of any kind, and he shall also execute bond in the sum of one thousand five hundred dollars, payable to the town of Thomaston, for the honest and faithful discharge of his duties as such dispenser, such bond to be approved by the legislative body of said town. For neglect of duty, incompetency, misfeasance or malfeasance in office, said dispenser may be removed from office, such removal to be made by the legislative body of said town. Whenever a vacancy occurs in said office of dispenser the legislative body of such town shall elect his successor, who shall hold office for the term of one year thereafter and until his successor is elected and qualified.

Sec. 5. The said town of Thomaston shall pay to its dispenser a salary, which shall be fixed by the legislative body of such town before said dispenser is elected. Said salary shall not be less than one hundred dollars per annum nor more than one thousand dollars per annum, and shall be paid in equal monthly installments on the first day of each month. Said legislative body shall not make or permit the amount of said salary or that of any of its officers or agents to depend on the amount of sales that may be made by the dispenser.

Sec. 6. The dispenser shall not sell or permit the sale of any liquor of any kind in any quantity less than one half pint, and said dispensary shall not be opened on any

day before sunrise, and shall be closed each day before sunset, and shall remain closed on Sundays, election days and on the days before election days, and while so closed no person shall be permitted therein, and no sales shall be made therein or thereby.

Sec. 7. Said dispenser shall not drink, consume or give away liquor of any kind or in any quantity on the premises on which said dispensary is located. Said dispenser shall not permit or suffer any person to drink, consume or give away any liquor of any kind on said premises, but this section shall not be construed so as to prohibit the dispenser or some employe designated by him from sampling liquors which he may contemplate purchasing. Said dispenser shall report to the grand jury any person who violates any of the provisions of this section.

Sec. 8. Any person who consumes any liquor on said premises, except as permitted in section seven of this act, shall be guilty of a misdemeanor, and on conviction shall be fined not less than fifteen nor more than fifty dollars.

Sec. 9. Said dispenser shall not sell or permit to be sold any spirituous, vinous or malt liquors, or intoxicating drinks of any kind, that are not contained in sealed packages. He shall not receive or keep any broken packages in said dispensery. If any original packages should be broken, the contents shall at once be bottled and the bottles sealed.

Sec. 10. The dispenser shall buy and sell for cash only. He shall keep an accurate account of his purchases and the amount of each day's sales. He shall make the legislative body of the town of Thomaston weekly reports on such forms and under such directions, rules and regulations as said legislative body may require, and he shall give full and accurate information as to the condition, expenses, profits, losses and status of the business, in writing or orally, or both, whenever and as often as said legislative body, or any member of said body shall require, and pay to the said town the funds received by him from the sale of liquors as may be required by the rules or regulations adopted by said town, to be by said

town appropriated and paid out as hereinafter provided. Subject to the provisions of this act the legislative body of the town of Thomaston shall regulate and control the management of said business.

Sec. 11. That the net profits of said business shall be appropriated and paid out by the legislative body of said town, as follows: Fifty per cent of such net profits of said dispensary shall be appropriated and paid to the Thomaston Graded School in the town of Thomaston, and the remaining fifty per cent of such net profits shall be paid into the treasury of the town of Thomaston for the use and benefit of the said town, and the legislative body of said town shall appropriate and pay out such net profits, as herein provided, quarterly or four times each year.

Sec. 12. No spirituous, vinous or malt liquors, or intoxicating liquors of any kind, shall be sold in said town of Thomaston except as herein provided, and any person who violates this section shall be guilty of a misdemeanor, and on conviction shall be fined not less than fifty nor more than one hundred dollars.

Sec. 13. The term legislative body where it appears in this act is intended to include the lawmaking body of the town of Thomaston, whether the same be called the mayor and council of Thomaston, the intendent and council of the town of Thomaston, or the mayor and town council of Thomaston, or by whatever name it may be called.

Sec. 14. No doors, gates, windows or other openings with any adjacent houses, so far as to permit ingress and egress into and out of such house from and into said dispensary shall be allowed.

Sec. 15. All laws and parts of laws in conflict with the provisions of this act are repealed.

Sec. 16. This act shall go into effect within thirty days after the approval of the same.

Sec. 17. For the dispensary operated under the provisions of this law the town of Thomaston shall annually pay into the treasury of the State of Alabama, as a license tax, the same amount as was paid by the dispensary of the town of Thomaston during the year 1906, or

such license tax as may hereafter be required by law to be paid by dispensaries in this State.

Sec. 18. The officers and agents engaged in said dispensary may be removed or dismissed at the will of the legislative body of said town, except said dispenser who may be removed by said legislative body for neglect of duty, incompetency, misfeasance or malfeasance in office of which said legislative body shall be the sole judge.

C. S. Golden,

Mayor of the Town of Thomaston.

And, also, the following notice, to-wit:

#### NOTICE.

The State of Alabama, }  
 Marengo County, }  
 Town of Thomaston. }

The public will take notice that a bill will be introduced in the Legislature of the State of Alabama, during its next session, to establish a dispensary in and for the town of Thomaston, Marengo county, Alabama, for the sale of spirituous and vinous liquors, malt liquors, wines, ciders and other intoxicating liquors.

Dated at Thomaston, Alabama, December 1, 1906.

C. S. Golden,

Mayor of Town of Thomaston.

Has been published once a week for four consecutive weeks in said The Thomaston Post, said notice having been inserted December 20th, 1906, December 27th, 1906, January 3rd, 1907, January 10th, 1907, and January 17th, 1907.

J. P. Anderson.

Subscribed and sworn to before me, this the 17 day of January, 1907.

J. J. Miller,

Notary Public, Marengo County, Alabama.

#### HOUSE MESSAGE.

The House bills in the foregoing House message were severally read once and referred to appropriate standing committees as follows:

H. 569, 464, 278, 514, 376, and 157, to Local Legislation.

H. 410, 498, 397, to Temperance.

SPECIAL ORDERS SET.

It was ordered by the Senate that the following bills be made paramount continuing special orders as follows, to-wit:

For Thursday, Feby. 7, at 11 o'clock a. m.:

S. 157. (With amendment.) To provide for the payment out of the State treasury of salaries of judges of law and equity courts, city courts and other courts of general common law, equity and criminal jurisdiction or either by whatsoever name called now existing or that may hereafter be established by law exercising jurisdiction over a single county having a population of not less than twenty thousand, and taxable property of not less than three million five hundred thousand dollars.

For Thursday, Feby. 7th, 11:30 o'clock a. m.:

H. 29. To amend section 3841 of the Code.

For Thursday, Feby. 7th, at 12 o'clock m.:

S. 230. To provide for the collection, compilation and publication of statistics of cotton ginned within the State; to establish a bureau of cotton statistics, and to prescribe the duties and powers of such bureau; to make appropriation for the maintenance thereof, to require ginners to make reports thereto; and to fix penalties for the violations of the provisions of this act.

For Thursday, Feby. 7, at 1:15 o'clock p. m.:

H. 389. To amend section 2030 of the Code.

RECESS.

At 1:15 o'clock p. m., on motion of Mr. Spragins, the Senate took a recess until 3:30 o'clock this afternoon.

# AFTERNOON SESSION.

The Senate reassembled at 3:30 p. m.

## ROLL CALL.

On a call of the roll a quorum was present.

## REPORT FROM RULES COMMITTEE.

Mr. Gardner, from the committee on Rules, reported, favorably:

H. J. R. 73. Resolved, that a committee of five, three from the House and two from the Senate, be appointed, whose duty it shall be to take into consideration the propriety and wisdom of dividing the present session, at what time we should adjourn for the recess and at what time we should reconvene.

Resolved 2. That it is the duty of this committee to then report at as early a day as practical.

On motion of Mr. Lusk, the Senate concurred in said resolution.

And the President of the Senate appointed as committee on part of the Senate, Messrs. Lusk and Reynolds.

## REPORT FROM COMMITTEE ON ENROLLED BILLS.

Mr. Moody, from committee on Enrolled Bills, reports as follows:

The committee on Enrolled Bills have examined:

S. 191. To prohibit and punish the selling, bartering or exchanging of spirituous, vinous or malt liquors in the county of Madison, after the first day of March, 1907' except in the dispensary for said county, located in the city of Huntsville.

And compared same with original and engrossed copies, and find same correctly enrolled.

Frank S. Moody,  
Chairman.

## SIGNING OF BILLS.

The President of the Senate, in the presence of the Senate, immediately after its title had been publicly read at length by the secretary, signed the above Senate bill, the title of which is set out in the foregoing report from committee on Enrolled Bills. The reading at length of said bill having been dispensed with by a two-thirds vote of a quorum of the Senate present.

## REPORT FROM COMMITTEE ON ENGROSSED BILLS.

Mr. Spragins, from the committee on Engrossed Bills, makes the following report:

The committee on Engrossed Bills report that they have examined Senate bill No. 90 and compared it with the original bill and found it to be correct.

Feby. 6th, 1907.

Robt. E. Spragins,  
Chairman.

## MESSAGE FROM THE HOUSE.

Mr. President:

The House has adopted the H. J. R. herewith sent:

H. J. R. No. 91. Be it resolved, by the House, the Senate concurring, that the Speaker of the House and President of the Senate be and they are hereby requested to erase their signatures from,

H. 269. To make appropriations for the ordinary expenses for the executive, legislative, and judicial departments of the State, for the interest on the public debt and for public schools.

Cyrus B. Brown,  
Clerk.

## HOUSE MESSAGE.

On motion of Mr. Lusk the Senate concurred in H. J. R. 91, in reference to erasure of signatures to H. R. 269, the title to which is set out in the foregoing message from the House.



## MESSAGE FROM THE HOUSE.

Mr. President:

In accordance with the H. J. R. No. 91 heretofore adopted the Speaker of the House has erased his signature from the bill,

H. 269. To make appropriations for the ordinary expenses for the executive, legislative, and judicial departments of the State, for the interest on the public debt and for public schools.

Cyrus B. Brown,  
Clerk.

## HOUSE MESSAGE.

On motion of Mr. Lusk the President of the Senate, in the presence of the Senate, erased his signature from H. B. 269. The title of which is set out in the foregoing message from the House.

## BILLS ON THIRD READING.

The bill:

H. 428. To authorize all incorporated towns and cities in Elmore county to establish and operate a dispensary or dispensaries in such incorporated towns or cities for the purpose of buying and selling spirituous, vinous and malt liquors, and to provide for the distribution of certain profits arising therefrom, and to further regulate or prohibit the sale of such liquors in said county.

Was read a third time, at length and passed.

Yeas, 24; nays, 0.

Yeas:

Messrs:

Bayles	Hayes	Lusk	Spragins
Davis	Heacock	Merritt	Strother
Doster	Hinson	Moody	Teasley
Forrester	Horton	McWhorter	Thomas
Gardner	King	Overton	White
Glenn	Leith	Reid	Wilson

—24.

## CONSIDERATION OF SPECIAL ORDER.

The Senate proceeded to consider the special order set for 11 o'clock this morning, which was:

S. 86. To further regulate the doing of business in the State of Alabama by foreign or non-resident corporations or corporations organized under or by authority of the law of any other State or government than the State of Alabama.

The following amendment offered by the committee, to-wit:

Amend the caption by adding thereto the following words: "and to fix a punishment for a violation thereof." And further amend by adding to section eight: "Provided, that it is not intended hereby to interfere with or prohibit the transaction of inter-state business authorized under the laws and constitution of the United States," which was adopted.

Yeas, 26; nays, 0.

Yeas:

Messrs:

Bayles	Hamner	Leith	Reid
Blackmon	Hayes	Lusk	Spragins
Davis	Heacock	Merritt	Strother
Doster	Hinson	Moody	Thomas
Gardner	Horton	Overton	White
Glenn	Jones	Reese	Wilson
Hamburger	King		

—26.

Mr. Lusk then offered the following amendment to said bill, to-wit:

Amend by adding to Sec. 7:

Until the said corporation shall pay to the said secretary of State for the use of the State a sum in cash equal to one-tenth of one per cent of the capital stock of said corporation and after such payment and the issue of such new license such corporation shall be thereby

restored to the right to engage in and transact business in this State, but such new license shall be subject to forfeiture as herein provided.

Which was adopted.

Yeas, 24; nays, 1.

Yeas:

Messrs:

Bayles	Hamner	Lusk	Reid
Davis	Hayes	Merritt	Spragins
Doster	Heacock	Moody	Strother
Gardner	Horton	McWhorter	Thomas
Glenn	King	Overton	White
Hamburger	Leith	Reese	Wilson

—24.

Nays: Mr. Blackmon—1.

Mr. Spragins then offered the following amendment, to-wit:

To amend by adding to section 4:

Provided that no obligations then existing to the corporation or any contracts of the corporation then existing shall be affected by such cancellation.

Which was adopted.

Yeas, 25; nays, 1.

Yeas:

Messrs:

Bayles	Hayes	Merritt	Spragins
Davis	Heacock	Moody	Strother
Doster	Hinson	McWhorter	Teasley
Gardner	Jones	Overton	Thomas
Glenn	King	Reese	White
Hamburger	Lusk	Reid	Wilson
Hamner			

—25

Nays: Mr. Leith—1.

And said bill as thus amended, was read a third time, at length and passed.

Yeas, 20; nays, 6.

Yeas:

Messrs:

Davis	Hayes	Lusk	Reese
Doster	Heacock	Merritt	Reid
Gardner	Hinson	Moody	Strother
Hamburger	Leith	McWhorter	White
Hamner	Lowe	Overton	Wilson

—20.

Nays:

Messrs:

Blackmon	King	Teasley	Thomas
Jones	Spragins		

—6.

The Senate then proceeded to consider the next special order for today, which was:

S. 131. To submit to the qualified electors of the State, at the general election to be held on the first Tuesday after the first Monday in November, 1908, for two associate justices of the supreme court, for their consideration an amendment to sections 46 and 48 of article 4 of the constitution so as to provide for biennial sessions of the Legislature.

Mr. Spragins moved to indefinitely postpone the consideration of said bill.

Mr. Jones moved to lay the motion made by Mr. Spragins on the table. Which motion prevailed.

Yeas, 17; nays, 12.

Yeas:

Messrs:

Barbour	Leith	Moody	Strother
Hamburger	Lusk	McWhorter	Teasley
Hamner	Merritt	Overton	Wilson
Hayes	Miller	Reynolds	Wimberly.
Jones			

—17.

Nays:

Messrs:

Bayles	Doster	Heacock	Spragins
Blackmon	Gardner	Horton	Thomas
Davis	Glenn	Reid	White

—12.

And Mr. Spragins motion was laid on the table.

The question then was shall said bill be ordered engrossed and read a third time.

And said bill was ordered engrossed and read a third time.

Yeas, 20; nays, 13.

Yeas:

Messrs:

Barbour	Hayes	Merritt	Reynolds
Bayles	Jones	Miller	Strother
Gunn	Leith	Moody	Teasley
Hamburger	Lowe	McWhorter	Wilson
Hamner	Lusk	Overton	Wimberly.

—20.

Nays:

Messrs:

Blackmon	Gardner	Horton	Reid
Davis	Glenn	King	Spragins
Doster	Heacock	Reese	Thomas
Forrester			

—13.

And said bill, was read a third time, at length and passed.

Yeas, 21; nays, 13.

Yeas:

Messrs:

Barbour	Jones	Miller	Strother
Bayles	Leith	Moody	Teasley
Gunn	Lowe	McWhorter	White
Hamburger	Lusk	Overton	Wilson
Hamner	Merritt	Reynolds	Wimberly
Hayes			

—21.

Nays:  
 Messrs:  
 Blackmon      Gardner      Horton      Reid  
 Davis          Glenn          King          Spragins  
 Doster          Heacock      Reese          Thomas  
 Forrester

—13.

## ADJOURNMENT.

At 5:50 o'clock p. m. on motion of Mr. Reid the Senate adjourned until 10:30 o'clock tomorrow morning.

## TWENTY-FIRST DAY.

Thursday, February 7th, 1907.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Claybrooke, of Huntsville, Alabama.

## ROLL CALL.

Present:

Mr. President, and

Messrs:

Barbour	Hamburger	Lowe	Reynolds
Bayles	Hamner	Lusk	Spragins
Blackmon	Hayes	Merritt	Strother
Davis	Heacock	Miller	Teasley
Doster	Hinson	Moody	Thomas
Forrester	Horton	McWhorter	White
Gardner	Jones	Overton	Wilson
Glenn	King	Reese	Wimberly
Gunn	Leith	Reid	

—35.

## JOURNAL.

On motion of Mr. Miller, the reading of the Journal of yesterday was dispensed with, and the same was approved.

## PRIVILEGES OF THE FLOOR.

The privileges of the floor were extended to Messrs. Oseola Kyle, Wm. E. Skeggs, J. L. Gillespie, Mr. Rosenbaum, J. R. Bell.

## REPORT FROM COMMITTEE ON ENGROSSED BILLS.

Mr. Spragius, from committee on Engrossed Bills, made the following report:

The committee on Engrossed Bills report that they have examined Senate bills numbered 131, and compared them with the original bills respectively and found them to be correct.

Feb. 7th, 1907.

Robt. E. Spragius,  
Chairman.

## INTRODUCTION OF BILLS.

On the call of the districts, bills were introduced, read and referred to appropriate standing committees, as follows:

By Mr. Leith:

S. 276. To amend section 3480 of the Code of Alabama, of 1896.

Revision of Laws.

By Mr. Reynolds:

S. 277. To regulate the jurisdiction of the courts of this State with reference to the crime of vagrancy, and to prescribe the duties of certain officers with respect to said crime.

Judiciary.

By Mr. Reynolds:

S. 278. To provide for persons convicted of vagrancy to give bond for their release and regulating suits for the breach of said bond.

Judiciary.

By Mr. Teasley:

S. 279. For the relief of Wm. R. Sawyer, formerly general bookkeeper in the State auditor's office for extra services rendered.

Finance and Taxation.

With notice and proof, as follows:

Notice is hereby given that at the present session of the Legislature of Alabama, application will be made for the passage of an act providing substantially as follows: An act for the relief of Wm. R. Sawyer, general beekkeeper for the State, for extra services performed, in the sum of one hundred dollars.

The State of Alabama, }  
Montgomery County. }

Before me, a notary public, personally appeared R. H. Hart, who being duly sworn, doth depose and say the notices hereto attached, for the relief of Wm. R. Sawyer, were published in the Montgomery Times on the following dates: Jan. 15th, 1907, Jan. 22nd, 1907, Jan. 29th, 1907, and Feb. 5th, 1907.

R. H. Hart,  
Manager.

Subscribed and sworn to before me, this 6 day of Feb. 1907.

J. T. Cook,  
Notary Public.

By Mr. Barbour:

S. 280. To make it an offense for any depot agent or person having control of any passenger depot to neglect or fail to keep in some convenient place at or near such depot a water closet or necessary in good condition for the benefit of ladies in waiting and expecting to become passengers on any passenger train at such depot, and to prescribe punishment therefor.

Commerce and Common Carriers.

By Mr. Gunn:

S. 281. To amend section 2516 of the Code, relating to the improvement of navigable streams by the court of county commissioners, and conferring the power of eminent domain therefor.

Commerce and Common Carriers.

By Mr. Gunn:

S. 282. For the relief of E. Pippin, a confederate pensioner of Clarke county, Alabama.

Finance and Taxation.

With notice and proof as follows:



## NOTICE.

A bill will be introduced in the Legislature of 1907, to pay E. Pippin, a confederate pensioner of Clarke county, Alabama, thirty dollars, to which he is entitled under the pension law, but whose name through clerical error of State Board of Examiners was stricken from the roll as dead.

E. Pippin.

The State of Alabama, }  
Clarke County. }

Before me, Clayton Foscue, judge of probate in and for said county, personally appeared Isaac Grant, who being by me duly sworn, deposes and says, that he is editor and publisher of the Clarke County Democrat, a weekly newspaper published in the town of Grove Hill, Clarke county, Alabama, and that the notice hereto attached as to legislation for the relief of E. Pippin has been published in said paper once a week for four consecutive weeks, to-wit: Beginning on December 27, 1906, and ending on January 31, 1907. Isaac Grant.

Sworn to and subscribed before me, this 2nd day of February, 1907.

Clayton Foscue.

Judge of Probate.

By Mr. Hamner:

S. 283. To amend section 9 of an act entitled an act to provide for the examination and regulation of the business of banking in the State of Alabama, approved October 10th, 1903.

Banking and Insurance.

## REPORTS OF COMMITTEES.

The following bills were returned to the Senate from committees, each having been acted upon by the respective standing committees in session as, in each case, stated below, and were read a second time and placed on the calendar:

Mr. Lusk, from the Committee on Judiciary. Favorably:

H. 165. For the relief of J. D. Crow, an indigent and aged confederate soldier.

Mr. Wilson, from the committee on Mining and Manufactories. Favorably:

S. 258. To repeal an act entitled an act to constitute the town of Blountsville, and vicinity, in Blount county, a separate school district, approved February 5th, 1885.

Mr. Merritt, from the committee on Local Legislation. Favorably:

H. 83. To confer additional jurisdiction upon the county court of Choctaw county and to regulate the proceedings therein.

Also,

H. 161. To confer additional jurisdiction upon the county court of Monroe county, Alabama, and to regulate the proceedings therein.

Mr. McWhorter, from the committee on Temperance. Favorably, (with amendment):

S. 119. To prohibit, regulate and restrict the sale or other disposition of intoxicating liquors, drinks or beverages within the State of Alabama by providing for elections in the various counties of the State to determine whether the sale or other disposition of such intoxicating liquors, drinks or beverages shall be so prohibited, regulated and restricted.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has passed the following Senate bill:

S. 46. To divide the county of Macon into four commissioners' districts and to provide for the election of a commissioner for each district.

And the House has originated and passed the following bill:

H. 481. To create the superior court of Jefferson county; to confer thereon the jurisdiction of the circuit court of Jefferson county and to abolish the circuit court of Jefferson county.

And has ordered the same sent forthwith to the Senate without engrossment, and sends same herewith to the Senate with notice and proof attached and herewith exhibited as follows:

NOTICE.

There will be introduced at the next session of the Legislature of Alabama a bill, the substance of which will be:

To create the superior court of Jefferson county; to confer thereon the jurisdiction of the circuit court of Jefferson county; to provide for the judges of said superior court of Jefferson county, not to exceed two; to fix the terms of office and the salaries of the judges thereof; to regulate the procedure and practice in said court; to provide for a clerk and register for said court; to fix the terms of office of said clerk and register of said court; to provide for transfer of all cases from the circuit court of Jefferson county to superior court of Jefferson county; to abolish the circuit court of Jefferson county.

Said act shall also provide in substance that there is hereby created an inferior court of law and equity for Jefferson county, which shall be called the "superior court of Jefferson county," upon which shall be conferred all the jurisdiction and functions of the circuit court of Jefferson county, Alabama, and all the powers and jurisdiction that may hereafter be vested in the circuit courts of this State; also the chancery courts of this State; to provide that there shall be two judges of said court; that the judge of the tenth judicial circuit shall be ex-officio one of the judges of said court, who shall serve as such until the general election of State officers in 1910 and until his successor is elected and qualified, and that within fifteen days after the approval of this act the Legislature of Alabama shall in joint ses-

sion elect a judge of said court, who shall hold office until the general election for State officers in 1908 and until his successor is elected and qualified; that at the general election for State officers in 1908 and every six years thereafter there shall be elected a judge of said court by the qualified electors of said county, whose term of office shall be six years, and until his successor is elected and qualified; that in the general election in 1910 for State officers and every six years thereafter a judge of said court shall be elected by the qualified electors of said Jefferson county, whose term of office shall be six years and until his successor is elected and qualified; to fix the qualifications of said judges and to confer upon them all the jurisdiction and powers lawfully exercised by the judges of circuit courts and chancellors of this State; to provide that said judges shall take the oath of office required of circuit judges and be liable to all the penalties now provided by law for circuit judges of this State; to provide for the appointment of a successor by the governor should a vacancy occur in either of the offices of judge of said court, either by resignation, removal or death; to provide that said judges shall have power and authority to allot and apportion all the cases in said court for trial in such manner as to them shall seem best and the public interest demand.

2. To provide that the present clerk of the circuit court of Jefferson county shall be clerk and register of said court, and that he shall be known and called the "clerk and register of the superior court of Jefferson county;" to provide for his term of office and the election of his successor in the general election in 1910, and every six years thereafter, whose term of office shall be six years and until his successor is elected and qualified; to provide that said clerk and register shall be subject to all the penalties now provided for by law for circuit clerks of this State; to provide for the oath of office of said clerk and register and the amount of his bond to be fixed by the judges of said court in an amount not less than \$15,000, conditioned as bonds are now provided by law for circuit clerks in this State and registers in chancery in this State; to prescribe the duties of such clerk

and register and define his power and authority and fix his compensation; that such clerk and register and his sureties on his official bond shall be subject to the same penalties and liabilities as clerks of circuit courts and registers in chancery in this State; to provide that such clerk and register shall reside in Jefferson county.

3. To provide that said court and the office of the clerk and register thereof shall be in the court house of said county, or at such other place in the city of Birmingham as may be provided for by the proper authorities; to provide for the number of terms of said court for each year and the duration of said terms; to provide for special or adjourned terms by said judges of said court, and to fix the length of notice for such special terms of court; to provide that said judges may take recess or recesses during the regular term; to provide that said judges shall have power to make and adopt rules of practice for said court, and that said rules may be changed or annulled by supreme court of Alabama; to provide for a seal for said court and a custodian thereof.

4. To provide for the time in which defendants shall be required to appear and demur or plead to causes commenced in said court after service; to provide for the rendition of judgments by default; to provide for setting aside judgments rendered by default; to provide the time in which answers to garnishments shall be made, and the rendition of judgments nisi on garnishments in default; to fix the time in which parties against whom citations, rules scire facias and notices issued from said court are required to appear and plead; to prescribe rules governing causes where default judgments are taken; to provide for prescribing the time within which causes pending in said court shall be at issue.

5. To prescribe the time for issuing executions on judgments rendered in said court.

6. To prescribe the time in which process issuing from said court shall be returnable.

7. To prescribe the time in which cases brought by appeal or certiorari to said court shall stand for trial.

8. To provide for trial of cases in said court without the intervention of a jury; to provide for the trial of cases with jury; to prescribe the time at which and manner in which jury trials shall be demanded.

9. To provide that jurors shall be drawn, summoned and empanelled for the trial of jury cases in the same manner as jurors are drawn, summoned and empanelled in the circuit courts of this State; to prescribe the duties of the clerk and register of said court relative thereto; to prescribe the time within which the venires for jurors shall be issued and the manner in which said venires shall be issued; to prescribe the power of said court to issue special venires for jurors; to confer upon the judges of said court the power to direct for what weeks of the term jurors shall be summoned, also to confer upon either of said judges of said court the power to order the drawing of a sufficient number of persons to constitute not exceeding two panels of twelve jurors each in addition to those now authorized by law; said order to designate the number of jurors required and the time when they shall attend said court; to provide that when said order shall have been certified to the board of revenue of Jefferson county, said board shall cause to be drawn for said court for the time designated therein the number of jurors required by such order in the same manner in which other jurors are required to be drawn by them; to provide for the summoning, serving and empanelling of said jurors; to confer the power upon said court to order tales jurors for said additional panels, as it has to the filling of other panels in said court.

11. To provide that in the trial of any case at law in said court, in addition to the questions which may be presented under existing laws, by bill of exceptions, the conclusions and judgments of the court upon the evidence may be presented to the supreme court on appeal for review, and the supreme court shall review the same without any presumption in favor of the court below on the evidence, and if the supreme court shall find there is error, they shall render such judgment in the cause as the court below should have rendered, or reverse and re-

mand the same for further proceedings, as the supreme court shall deem right.

11. To provide for appeals to said superior court of Jefferson county from the judgments of justices of the peace or other inferior courts or tribunals, including municipal courts in the county of Jefferson, in all civil or criminal cases in same manner as now provided for by law to circuit courts.

12. To prescribe that the supreme court shall have appellate and supervisory jurisdiction over said court and the judges thereof, which may be exercised in same manner and in the same cases as such jurisdiction may be exercised over circuit courts or judges thereof; to provide for appeals to the supreme court, and to fix the time and manner in which said appeals are to be taken.

14. To provide for the manner by which the venire in any cause may be changed from said court to other counties than Jefferson, and to provide the rules and regulations governing same ;to provide for the transfer of cases from other courts of record in Jefferson county to the superior court of Jefferson county and the transfer of cases from the superior court of Jefferson county to other courts having jurisdiction thereof; to fix the salaries of said judges and provide that the same shall be paid partially out of the State treasury and partly out of the county treasury of Jefferson county, and declare said salaries a preferred claim against the county and receivable for taxes.

15. To require the attendance of the sheriff, coroner and constables of Jefferson county at or upon said court to preserve order and to execute its process; to define what the fees of said officers shall be; to fix the compensation of jurors and witnesses attending said court and fix and prescribe the penalties to which said officers, the sureties on their official bonds and said jurors and witnesses are subject, and the remedies and manner by which recovered or enforced.

16. To extend and apply to said court all laws of a general nature now in force or that may hereafter be enacted in this State giving jurisdiction to the circuit

or chancery courts of this State, unless the contrary be expressly provided, and unless they are contrary to the provisions of said act or to rules or practice which the judges of said court may adopt under said act; to prescribe the time within which witnesses shall prove their attendance upon said court, and prescribing when their fees shall not be taxed as costs nor recovered by either party.

17. To fix the time within which bills of exceptions must be signed by the judge who presided at the trial of said cause, after the day on which the issues of fact to which said bill of exceptions relates was tried, unless the time for signing such bill of exceptions is extended by agreement of parties or by order of presiding judge as now authorized by law respecting signing bills of exceptions in circuit courts.

18. To fix the time within which final judgments and decrees rendered in said court shall be deemed beyond the control of the court; to provide for parties applying for new trials and rehearings within thirty days; to provide for motions for new trials or rehearings under the statute authorizing application for a rehearing in the circuit courts, to provide for retrying any cause by the court under article 9, under chapter 1, of the Code of Alabama, or for exercising any power or jurisdiction conferred upon the circuit court touching final judgments or the chancery court touching final decrees.

19. To provide for the transfer of all causes from the circuit court of Jefferson county to the said superior court of Jefferson county, and prescribe the jurisdiction of said superior court over said causes and the judgments therein when so transferred; to provide for the delivery of all dockets, files and papers of the circuit court of Jefferson county to the clerk and register of the superior court of Jefferson county, to constitute the clerk and register of the superior court of Jefferson county the custodian thereof and to prescribe the powers and duties of such clerk and register with reference thereto; to abolish the circuit court of Jefferson county from and after the organization of the superior court of Jefferson county.



20. That this act shall go into effect immediately after its enactment.

The State of Alabama, }  
Jefferson County. }

Before me, D. N. Smith, a notary public in and for said State and county, this day personally appeared James J. Smith, who being duly and legally sworn, deposes and says, that he is publisher of the Birmingham Ledger; that the Birmingham Ledger is a newspaper published in the city of Birmingham, Jefferson county, Alabama, that the notice, a copy of which is hereto attached, was inserted, published and appeared regularly in the said Birmingham Ledger, in said Jefferson county, Alabama, once a week for four consecutive weeks.

James J. Smith,

Subscribed and sworn to before me, this 18th day of January, A. D., 1907.

D. N. Smith,

Notary Public.

Cyrus B. Brown, Clerk.

#### HOUSE MESSAGE.

The House bill in the foregoing message was read once and referred to appropriate standing committee, as follows:

H. 481, to Finance and Taxation.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The Speaker of the House, having signed the following House bills, your signature thereto is requested:

H. 269. An act to make appropriations for the ordinary expenses for the executive, legislative and judicial departments of the State, for the interest on the public debt and for public schools.

H. 357. An act to authorize the secretary of State to employ a stenographer for the office of secretary of

State and insurance commissioner, and to fix the compensation therefor.

Cyrus B. Brown,  
Clerk.

#### SIGNING OF BILLS.

The President of the Senate, in the presence of the Senate, immediately after their titles had been publicly read at length by the secretary, signed the above House bills, the titles of which are set out in the foregoing message from the House. The reading of said bills at length having been dispensed with by a two-thirds vote of a quorum of the Senate present.

#### MESSAGE FROM THE GOVERNOR.

Montgomery, Feb. 7, 1907.

To the Senate:

I herewith return Senate bill No. 5, entitled an act to prescribe and regulate passenger rates on all railroads other than street railroads, carrying passengers to points within the State of Alabama and propose the following amendments, which will remove my objections to said bill, viz.:

1st. Amend section 1 of said bill by inserting before the word "provided" where said word first occurs in said section and as a part of the next preceding sentence the following words "and shall keep and sell at their regular stations tickets at a price not exceeding 2 1-2 cents per mile, or fraction of a mile, but not be required to accept a single fare for less than 5 cents, and in case of odd miles, the passenger shall pay 3 cents for the last mile or fraction of a mile."

And amend by striking out "fifty miles" where it first occurs in said section 1, after the word "provided," insert "one hundred miles in length." Also amend said section by striking out "fifty" where the word next occurs in said section 1, and insert "one hundred" in lieu thereof. And amend said section 1 by striking out "July 1, 1907," and inserting in lieu thereof "sixty days after the passage and approval of this act." And amend by

inserting after the word "dollars" at the end of section 2, the words "for each offense." Also amend by inserting after section 2, the following section: "Section 3. Be it further enacted, That this act shall go into effect after its passage and approval."

B. B. Comer,  
Governor.

#### GOVERNOR'S MESSAGE.

The Senate proceeded to again consider the Senate bill:

S. 5. To prescribe and regulate passenger rates on all railroads, other than street railroads, carrying passengers between points, within the State of Alabama.

And the amendments submitted by the governor were adopted.

Yeas, 27; nays, 1.

Yeas:

Messrs:

Barbour	Hamburger	Leith	Reid
Davis	Hamner	Lowe	Reynolds
Doster	Hayes	Lusk	Spragins
Forrester	Heacock	Merritt	Strother
Gardner	Hinson	Miller	Thomas
Glenn	Horton	Moody	Wilson
Gunn	Jones	Overton	

—27.

Nays: Mr. Blackmon—1.

Which vote was a majority of the whole number of senators elected.

#### BILLS ON THIRD READING.

The bill:

H. 404. To provide bailiffs for the courts of Montgomery county.

Was read a third time, at length and passed.

Yeas, 24; nays, 0.

Yeas :

Messrs :

Barbour	Gunn	Lusk	Spragins
Bayles	Hamner	Merritt	Strother
Doster	Horton	Miller	Teasley
Forrester	Jones	Reese	Thomas
Gardner	Leith	Reid	White
Glenn	Lowe	Reynolds	Wimberly

—24.

The bill :

S. 136. To further regulate the financial affairs of Dallas county.

Was read a third time, at length and passed.

Yeas, 25; nays, 0.

Yeas :

Messrs :

Barbour	Heacock	Miller	Spragins
Doster	Horton	McWhorter	Strother
Forrester	Jones	Overton	Teasley
Gardner	Leith	Reese	White
Glenn	Lowe	Reid	Wilson
Hamburger	Lusk	Reynolds	Wimberly
Hamner			

—25.

The bill :

S. 233. To fix the time for holding the circuit court of Randolph county, and to fix the term for the same.

Was read a third time, at length and passed.

Yeas, 25; nays, 0.

Nays :

Messrs :

Barbour	Hamner	Merritt	Reynolds
Davis	Heacock	Miller	Spragins
Doster	Jones	McWhorter	Strother
Forrester	Leith	Overton	Teasley
Gardner	Lowe	Reese	Wilson
Glenn	Lusk	Reid	Wimberly
Hamburger			

—25.

The bill:

S. 207. To amend an act approved March 4th, 1903, entitled an act to create a text book commission, and to procure for use in the free public schools in this State, a uniform series of text books; to define the duties and powers of said commission and other officers; to make an appropriation for the carrying into effect of this act; to provide punishment and penalty for the violation of the same.

Was read a third time, at length and passed.

Yeas, 22; nays, 0.

Yeas:

Messrs:

Barbour	Hamner	Merritt	Reynolds
Davis	Heacock	Miller	Spragins
Doster	Jones	Overton	Strother
Forrester	Leith	Reese	Teasley
Gardner	Lowe	Reid	Wilson
Hamburger	Lusk		

—22.

The bill:

S. 157. To provide for the payment out of the State treasury of salaries of judges of law and equity courts, city courts and other courts of general common law, equity and criminal jurisdiction, or either by whatsoever name called, now existing or that may hereafter be established by law, exercising jurisdiction over a single county having a population of not less than twenty thousand, and taxable property of not less than three million five hundred thousand dollars.

Was taken up.

Mr. Spragins offered the following amendment to said bill:

Amend by striking out line three of first section and substituting the following in lieu thereof:

“And other courts of record of general common law, equity and criminal jurisdiction, with jurisdiction of felonies, or either,” and by striking out of caption where they occur, the following words “and other courts of gen-

eral common law, equity and criminal jurisdiction or either," and substituting the following in lieu thereof: "and other courts of record of general common law, equity and criminal jurisdiction or with jurisdiction of felonies, or either."

Which was adopted.

Yeas, 30; nays, 0.

Yeas:

Messrs:

Barbour	Hamburger	Lusk	Reynolds
Blackmon	Hamner	Merritt	Spragins
Davis	Hayes	Miller	Strother
Doster	Heacock	Moody	Teasley
Forrester	Horton	Overton	Thomas
Gardner	Jones	Reese	White
Glenn	Leith	Reid	Wilson
Gunn	Lowe		

—30.

Mr. Reid offered the following amendment:

The provisions of this act shall only apply when such counties are not included in a circuit or chancery division.

Which on motion of Mr. Spragins was laid on the table.

Yeas. 28; nays, 4.

Yeas:

Messrs:

Barbour	Hamner	Leith	Reese
Bayles	Hayes	Lowe	Reynolds
Blackmon	Heacock	Lusk	Spragins
Davis	Hinson	Merritt	Teasley
Glenn	Horton	Miller	Thomas
Gunn	Jones	Moody	White
Hamburger	King	Overton	Wilson

—28.

Nays:

Messrs:

Doster	Forrester	Reid	Strother
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—4.

And said bill as thus amended, was read a third time,  
at length and passed.

Yeas, 30; nays, 2.

Yeas:

Messrs:

Barbour	Hayes	Merritt	Reynolds
Blackmon	Heacock	Miller	Spragins
Davis	Hinson	Moody	Strother
Forrester	Horton	McWhorter	Teasley
Glenn	Jones	Overton	Thomas
Gunn	King	Reese	White
Hamburger	Lowe	Reid	Wimberly
Hamner	Lusk		—30.

Nays:

Messrs:	Bayles	Doster	—2.
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#### ADJOURNMENT.

At 1:15 o'clock p. m. the Senate on motion of Mr. Spragins adjourned until 10:30 o'clock tomorrow morning.

#### TWENTY-SECOND DAY.

Friday, February 8, 1907.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Price.

#### ROLL CALL.

Present:

Mr. President, and

Messrs:

Barbour	Hamburger	Lowe	Reid
Bayles	Hamner	Lusk	Reynolds
Blackmon	Hayes	Merritt	Spragins
Davis	Heacock	Miller	Strother
Doster	Hinson	Moody	Teasley
Forrester	Horton	McWhorter	Thomas
Gardner	Jones	Overton	White
Glenn	King	Reese	Wilson
Gunn	Leith		—34.

## JOURNAL.

On motion of Mr. Bayles the reading of the Journal of yesterday was dispensed with and the same was approved.

## LEAVE OF ABSENCE.

Mr. Wimberly was granted an indefinite leave of absence on account of sickness.

## PRIVILEGES OF THE FLOOR.

The privileges of the floor were extended to Messrs. J. J. Ray, W. P. G. Harding, W. H. Pitts, W. H. Seymour.

## REPORT OF COMMITTEE ON REVISION OF THE JOURNAL.

Mr. Leith from the Committee on Revision of the Journal reported as follows:

Mr. President: The Committee on Revision of the Journal, report that they have examined the Senate Journal for the 19th, 20th and 21st Legislative days and find same to be correct.

M. L. Leith, Chairman.

## INTRODUCTION OF BILLS.

On the call of the districts, bills were introduced, read and referred to appropriate standing committees, as follows:

By Mr. Strother:

S. 284. To further regulate municipal corporations, to confer additional rights, power and authority, and the same to prescribe the manner in which such rights, powers and authority may be acquired and conferred, and to provide the manner in which charters for such corporation may be obtained and amended.

Municipalities and Municipal Organizations.



By Mr. Gardner :

S. 285. To amend sub-division 10 of section 1163 of the code of Alabama.

Judiciary.

By Mr. Reese :

S. 286. To regulate the sale of food and drugs in the State of Alabama and to provide penalties for the violation thereof.

Public Health.

#### REPORTS OF COMMITTEES.

The following bills were returned to the Senate from committees. Each having been acted upon by the respective standing committees in session as, in each case, stated below, and were read a second time and placed on the calendar to-wit :

Mr. Williams from Committee on Finance and Taxation. Favorably :

S. 172. To provide for the erection of a monument to Alabama's Confederate dead who are buried in Stonewall Cemetery at Winchester, Virginia.

Also, (with substitute),

S. 187. To make an appropriation of three thousand two hundred and fifty dollars, or so much thereof as may be necessary, for erection in the State of Ohio a Confederate monument or monuments, and for marking and caring for the graves of confederate soldiers interred in said State, and to appoint a commission to carry out said purpose.

Also,

H. 270. To make an appropriation for the compensation of the land clerk in the office of the State auditor.

Mr. Merritt from the Committee on Local Legislation. Favorably :

S. 272. To authorize cities and towns in the State of Alabama, to provide for the drainage thereof by sanitary and storm water sewers, ditches, surface drains, aqueducts and canals, to prescribe rules and regulations for

the installation of plumbing, to enforce connection with and the use of such sewers and drains, and to regulate the same.

Also,

S. 274. To amend section 1 of an act, entitled, "an act to authorize cities and towns in the State of Alabama to cause elections to be held therein to authorize the issue of bonds for purchasing or constructing public buildings, sewers, streets, alleys, bridges, and public school works and light plants, or to construct the same, and for such other purposes as may be authorized by law; to provide for the manner of giving notice of such election, the manner of holding the same, and the payment of expenses thereby incurred, and to authorize the issue of bonds when at such election the voters thereat shall decide in favor of such bond issue," approved February 25th, 1903.

Also,

H. 508. To create the office of assistant solicitor for the county of Montgomery, Alabama, in lieu of the present office of deputy solicitor for said county, prescribing his duties, fixing his salary and providing for the method of selection for said office.

Mr. Horton from the Committee on Agriculture. Favorably, (with amendment):

S. 222. Providing for the survey and analysis and classification of soils of the State.

Mr. King from the Committee on Game, Fish and Forestry Preservation. Favorably, with an amendment:

H. 110. Relating to the preservation, propagation and protection of the fish of Alabama.

Mr. Hamburger from the Committee on Military. Favorably:

H. 156. To provide for the payment of the outstanding indebtedness of the late municipal corporation, known as the mayor, aldermen, and common council of the city of Mobile, evidenced by bonds of said corporation, bearing date January 1st, 1881, to authorize the

city of Mobile to issue bonds for that purpose; to create a lien upon the wharf property, and water front rights and privileges of the city of Mobile to secure the payment of said bonds at maturity, and to regulate the application of the net revenue derived therefrom to aid the payment of interest on bonds issued under this act, to authorize the city of Mobile to levy a special tax to fully pay the interest on said bonds and to provide for the winding up of the trust created by the act of February 24th, 1881.

Mr. McWhorter from the Committee on Public Health. Favorably, with a substitute:

S. 165. To establish a State Live Stock Sanitary Board and the office of State veterinarian in order to further protect livestock from contagious and infectious diseases and provide for the eradicating and excluding such diseases from Alabama.

Mr. Overton from the Committee on Commerce and Common Carriers. Favorably.

S. 227. To prevent the erection or maintaining of storage warehouses or freight depots, or buildings intended, constructed or used for either of said purposes upon or across any public street of any city in Alabama.

#### SPECIAL ORDER SET.

On motion of Mr. King:  
With amendment:

H. 110. Relating to the preservation, propagation and protection of the fish of Alabama.

Was made a paramount continuing special order for Saturday, February 9th, 1907, at 12 o'clock, M.

#### RESOLUTION.

Mr. Overton offered the following resolution:

S. J. R. 43. *Resolved*, That it being suggested to the Senate that mistakes have been made in the transmission of S. B. 16 to the House of Representatives, the House

is hereby requested to return S. B. 16 to the Senate for correction and further consideration.

Which under a suspension of the rules was adopted.

#### NOTICE.

Pursuant to the notice heretofore given by Mr. Blackmon:

S. 150. To regulate the running of automobiles on the public highways in the State of Alabama, and to fix the liability of any owner or person running or operating an automobile over or along the public highways in this State for any injury done to persons or property and to provide a penalty for the violation of the provisions of this act.

Heretofore adversed by the Committee on Commerce and Common Carriers, was taken up.

And,

Mr. Blackmon moved to take said bill from the adverse calendar and place same on the calendar for a third reading on tomorrow.

Mr. Reese moved to lay Mr. Blackmon's motion on the table. Which was lost.

Yeas, 8; Nays, 19.

Yeas:

Messrs:

Gunn	Miller	Reese	Spragins
Lusk	Overton	Reynolds	Strother

—8.

Nays:

Messrs:

Barbour	Gardner	Horton	Teasley
Blackmon	Hamburger	Jones	Thomas
Davis	Hayes	Leith	White
Doster	Heacock	Moody	Wilson
Forrester	Hinson	McWhorter	

—19.

The motion made by Mr. Blackmon then prevailed and said bill was ordered taken from adverse calendar and

placed on Senate calendar for a third reading on tomorrow.

Yeas, 20; Nays, 11.

Yeas:

Messrs:

Barbour	Gardner	Hinson	McWhorter
Blackmon	Hamburger	Horton	Teasley
Davis	Hamner	Jones	Thomas
Doster	Hayes	Leith	White
Forrester	Heacock	Moody	Wilson

—20.

Nays:

Messrs:

Gunn	Merritt	Reese	Spragins
Lowe	Miller	Reid	Strother
Lusk	Overton	Reynolds	

—11.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The Speaker of the House having signed the following House bills your signature thereto is requested:

H. 428. An act to authorize all incorporated towns and cities in Elmore county to establish and operate a dispensary or dispensaries in such incorporated towns and cities for the purpose of buying and selling spirituous, vinous and malt liquors, and to provide for the distribution of certain profits arising therefrom, and to further regulate or prohibit the sale of such liquors in said county.

H. 70. An act to authorize the cities of Tuscumbia and Sheffield and the towns of Leighton and Cherokee in Colbert county to establish and operate dispensaries in such incorporated cities and towns for the purpose of buying and selling spirituous, vinous and malt liquors, and to provide for the distribution of certain profits arising therefrom, and to further regulate or prohibit the sale, barter or exchange of such liquors in said county.

H. 404. An act to provide bailiffs for the courts of Montgomery county.

Cyrus B. Brown,  
Clerk.

#### SIGNING OF BILLS.

The president of the Senate, in the presence of the Senate, immediately after their titles had been publicly read at length by the secretary, signed the above House bills, the titles of which are set out in the foregoing message from the House. The reading at length of said bills having been dispensed with by a two-thirds vote of a quorum of the Senate present.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has adopted the following report of a joint committee heretofore raised:

The joint committee appointed to arrange for the adjournment of the Legislature to accept the invitation of the city of Mobile to attend Mardi Gras ask the adoption of the following resolution:

Be it resolved by the House, the Senate concurring, That when adjournment is had on Saturday, February 9th, the Legislature stand adjourned to meet at 11 o'clock Wednesday, February 13th.

Lyons, Norville, Hoffman, Overton, Hamburger.

Cyrus B. Brown,  
Clerk.

#### HOUSE MESSAGE.

On motion of Mr. Overton the Senate concurred in the foregoing report of the joint committee appointed to arrange for the adjournment of the Legislature to accept the invitation to Mobile, etc., and the resolution set out in the foregoing message.

## MESSAGE FROM THE HOUSE.

Mr. President :

The House has adopted and concurred in the amendment proposed by the governor to Senate bill No. 5, the title of said bill being "to prescribe and regulate passenger rates on all railroads other than street railroads carrying passengers between points within the State of Alabama.

The House adopted and concurred in the amendment proposed by the governor to the bill, Senate five, by a majority of the whole number elected to the House. The vote on said proposed amendment being yeas eighty-five (85) and nays none (0).

And the House herewith returns same to the Senate.  
Cyrus B. Brown,  
Clerk.

## MESSAGE FROM THE HOUSE.

Mr. President :

The House has originated and passed the following bills:

H. 174. To provide for the appointment by the court of county commissioners of Talladega county, Alabama, of an official stenographer for said county, to define his duties and provide for his compensation.

And sends the same to the Senate with notice and proof attached and herewith exhibited as follows:

## APPLICATION FOR LOCAL LAW.

Notice is hereby given that application will be made to the Legislature of Alabama, at a session to be held in 1907, for the enactment of a local law for Talladega county in words and figures as follows, to-wit:

An act to provide for the appointment by the court of county commissioners of Talladega county, Ala-

bama, of an official stenographer for said county, to define his duties and provide for his compensation.

Sec. 1. Be it enacted by the Legislature of Alabama, that it shall be the duty of the court of county commissioners of Talladega county to appoint from time to time an efficient male stenographer to hold office during the pleasure of such court and removable by it with or without cause, who shall be the official stenographer of said county, and to fix the amount of his compensation, which shall be paid by the county by warrant of the judge of probate to be drawn on the county treasurer at the end of each month.

Sec. 2. That it shall be the duty of such stenographer to attend the sessions of the circuit and city courts of said county, and, when required by the circuit or city court solicitor, a preliminary trial when a felony is charged, and also before the grand jury of said county, and to take down and transcribe the testimony of witnesses examined before said courts and grand juries, and also to take down and transcribe such other of the proceedings and to perform such other duties on trials and hearings in said courts as the presiding judge of the same may require, and to take down and transcribe the testimony of witnesses examined in such preliminary trial.

Sec. 3. That the stenographer so appointed shall, before entering upon the duties of his office, take and file in the office of the judge of probate of said county, an oath to faithfully and truly discharge the duties so imposed upon him and that he will not divulge any of the secrets or proceedings that may come to his knowledge while attending before a grand jury, which oath may be taken before any officer authorized to administer oaths of office.

Sec. 4. That the stenographer so appointed be and he is hereby authorized to attend before the grand juries of said county, when requested so to do by the solicitor, if not otherwise engaged before a court, for the purpose of taking down the testimony of witnesses, but shall not be present, during the deliberations of a grand jury.



Sec. 5. That all testimony taken by such stenographer before a grand jury shall, upon the request of the solicitor be transcribed and delivered by said stenographer to the solicitor of the court in which the grand jury is organized, for his use alone, and that all testimony and proceedings taken down by him on the trial or hearing of any civil or criminal case shall be transcribed and filed by him with the clerk of the court where the case is pending, or, if a preliminary trial, with the magistrate holding the same.

The State of Alabama, }  
Talladega County. }

Personally appeared before me, J. E. Camp, judge of Probate in and for said county, John C. Williams, who being duly sworn according to law, deposes and says that he is the editor and proprietor of the Our Mountain Home, a newspaper published in said county and State, and that the publication of a certain notice, a true copy of which is hereto affixed has been made in said newspaper for four (4) weeks consecutively, to-wit, in the issues dated as follows: December 12th, 1906; December 19th, 1906; December 26th, 1906 and January 2nd, 1907.

(Signed) John C. Williams.

Subscribed and sworn to before me, this the 11th day of January, 1907.

(Signed) J. E. Camp,  
Judge of Probate.

H. 521. To abolish the county court of Cleburne county, Alabama, to take effect on the first day of May, 1907; to provide for the transfer and disposition of the suits and causes pending therein, and of all proceedings for remedial writs pending before the judge of said court or before said court, at said date, and of the dockets, records and papers of said court; to provide for the enforcement of the orders, judgment and decrees of said abolished court, and for the collection of the unpaid fees and costs earned therein, and to regulate, from and after

said date, the process issued from and returnable to said court, and bonds, and recognizances pertaining to proceedings therein.

And sends the same to the Senate with notice and proof attached and herewith exhibited as follows:

#### NOTICE.

Notice is hereby given that application will be made to the next session of the Legislature of Alabama to pass a local law effecting the interest of the people of Cleburne county, Ala., abolishing the county court of Cleburne county, Alabama. The substance of the proposed law is, as follows:

To repeal an act approved Feb. 16th, 1897, establishing the county court of Cleburne county; to repeal an act approved Dec. 9th, 1898, to amend Sec. 1, 6, 9, 10 and 20 and to add Sec. 32 1-2 thereto of the act establishing the county court of Cleburne county, approved Feb. 16th, 1897; to repeal an act approved December 13th, 1900, to amend Sec. 2 of an act to establish the county court of Cleburne county, approved Feb. 16th, 1897; and to abolish the county court of Cleburne county, all to take effect May 1st, 1907; to transfer from and after said date from said county court all actions and proceedings at law and all indictments and proceedings in criminal cases to the circuit court of said county, and to give said court jurisdiction and authority to try and dispose of said cases; to make from and after said date all process issued in actions at law and criminal cases from said county court or made returnable to said county court, returnable to the circuit court of said county; to transfer from and after said date all actions and proceedings pending in equity from said county court to the chancery court of Cleburne county and to authorize said chancery court to take jurisdiction and try and dispose of such matters; to make from and after May 1st, 1907, all process in equity cases issued from or returnable to said county court returnable to the chancery court of said county; to transfer from and after said date all proceedings for mandamus, habeas corpus, prohibition or

other remedial writs that may be pending before the judge of said county court or before said court at the time this act shall go into effect to the judge of the circuit court of said county or to the circuit court thereof, as the case may be and to give said circuit judge or said circuit court full authority and jurisdiction to determine such matters.

To give from and after May 1st, 1907, authority and jurisdiction to the circuit court of said county to issue process on and enforce the judgments at law rendered by said county court of Cleburne.

To give from and after said date authority and jurisdiction to the chancery court of Cleburne county to issue process on and enforce all decrees, orders, and judgments of said county court in equity.

To authorize and empower from and after said date the circuit court of Cleburne county to hear and determine all criminal cases and issue and execute all process therein of all undetermined cases in said county court when this act shall go into effect.

To authorize and require the clerk of said county court to deliver from and after May 1st, 1907, all papers, dockets, and records in cases at law and criminal cases to the clerk of the circuit court of said county, and all dockets, papers and records in equity cases to the register in chancery of Cleburne county.

To require the clerk of the circuit court of said county to receive from the clerk of said county court all papers, dockets and records in cases at law and criminal cases from said county court and to issue process thereon.

To require the register in chancery of said county to receive from the clerk of said county court all records, papers, dockets in equity cases from said county court and to issue process thereon.

To provide for the collection and disposition of fees and costs originating in said county court.

To regulate from and after May 1st, 1907, bonds and recognizances pertaining to proceedings in said court.

Said act is to be in effect and operation from and after May 1st, 1907, and is entitled "an act to abolish the county court Alabama to take effect on the first day of

May, 1907; to provide for the transfer and disposition of the suits and causes pending therein and of all proceedings for remedial writs pending before the judge of said court or before said court, at said date, and of the dockets records and papers of said court; to provide for the enforcement of the orders, judgments and decrees of said abolished court, and for the collection of the unpaid fees and costs earned therein, and to regulate from and after said date the process issued from and returnable to said court, and bonds and recognizances pertaining to proceedings therein.

John A. Brown.

The State of Alabama, }  
 Cleburne County. }

Before me, Joe M. Evans, clerk of the circuit court, in and for said county, personally appeared Anderson Johnson, who being duly and legally sworn, deposes and says that he is editor and publisher of the "Cleburne New Era," a newspaper published in Heffin, Cleburne county, Alabama, and which is a weekly newspaper; that the notice, a copy of which is hereto attached, was inserted in the said Cleburne New Era, and has been published and has appeared regularly in four consecutive weekly issues of said "Cleburne New Era."

(Signed) Anderson Johnson,  
 Ed. and Publisher.

Sworn to and subscribed before me, this the 28th day of Jan., 1907.

(Signed) Joe M. Evans,  
 Clerk of the Circuit Court of Cleburne County, Ala.

H. 415. For the relief of William H. Clemmons, an ex-confederate soldier of the county of Tallapoosa, Alabama.

And sends the same to the Senate with notice and proof attached and herewith exhibited as follows:

## NOTICE.

That whereas Mr. William H. Clemons is a confederate soldier who lost his arm in battle. He was a member of Company C, 14th Ala. Regiment, army of Virginia.

That on account of the loss or miscarriage of his application and without fault on his part, he failed to receive his pension for the years 1893 and 1894. Notice is hereby given that I will introduce a special bill into the next Legislature of Alabama, asking that the State pay Mr. Clemons \$72.00 the amount of pension to which he was entitled, with interest.

This Dec. 14, 1906.

Thos. L. Bluger.

The State of Alabama, }  
Tallapoosa County. }

Before me, G. J. Sorrell, probate judge in and for said State and county, personally appeared P. A. Jackson, who being by me first duly sworn said on oath, that he is the proprietor, editor and manager of The Tallapoosa Courier, a weekly newspaper published at Dadeville, Tallapoosa county, Alabama. That the foregoing and hereto attached notice was published in the said Tallapoosa Courier for four consecutive weeks, commencing with the issue of said paper of the date of December 14th, 1906, and appearing in said paper on December 20th, December 27th, 1906, and January 3, 1907, January 10, 1907, and January 17, 1907 inclusive and that said notice is attached referred to and made a part of this affidavit.

P. A. Jackson.

Subscribed and sworn to before me this the 19th day of January, 1907.

G. J. Sorrell,  
Probate Judge, Tallapoosa Co.

H. 507. To appropriate the sum of \$22.65 for the year 1904 and the further sum of \$30.00 for the year 1905, to T. T. Herbert as a confederate pensioner for

said years, his name having been erroneously omitted from the list of pensioners for said years.

And sends the same to the Senate with notice and proof attached and herewith exhibited as follows :

Notice and proof of H. 507.

#### NOTICE.

Notice is hereby given that application will be made to the legislature of Alabama, which convenes in January, 1907, for the passage of an act appropriating the sum of \$22.65 for the year 1904 and the further sum of \$30.00 for the year 1905, for the benefit of the undersigned, T. T. Herbert, as a confederate pensioner for said years, his name having been erroneously omitted from the list of pensioners for said years.

T. T. Herbert.

The State of Alabama, }  
Montgomery County. }

Before me, Lillian Singley, a notary public in and for said county and State, personally appeared Nannie E. Herbert who, being duly sworn, deposes and says that the above and foregoing notice was published for four consecutive weeks in The Montgomery Journal, a newspaper published in the city and county of Montgomery, State of Alabama, said publication having been made during the month of January, 1907, and without cost to the State; and, further, that said publication was in the county of the residence of the said T. T. Herbert.

Nannie E. Herbert.

Sworn to and subscribed before me, this the 28th day of January, 1907.

Lillian Singley,  
Notary Public, Montgomery Co. Ala.

H. 528. To repeal an act, entitled an act, to provide for the payment of fines and forfeitures in Tallapoosa county, Alabama. Approved February 17, 1899.

And sends the same to the Senate with notice and proof attached and herewith exhibited as follows :

## NOTICE.

Notice is hereby given that I will introduce a bill into the next Alabama Legislature to repeal an act entitled an act, approved February 17, 1899, to provide for the payment of fines and forfeitures in money in Tallapoosa county.

This Dec. 11, 1906.

Thos. L. Bulger.

The State of Alabama, }  
Tallapoosa County. }

Before me, G. J. Sorrell, probate judge in and for said State and county, personally appeared P. A. Jackson, who being by me first duly sworn says on oath, that he is the proprietor, editor and manager of The Tallapoosa Courier, a weekly newspaper published at Dadeville, Tallapoosa county, Alabama. That the foregoing and hereto attached notice was published in the said Tallapoosa Courier for four consecutive weeks, commencing with the issue of said paper of the date of December 14, 1906, and appearing in said paper on December 20, December 27, 1906, and January 3, 1907, January 10, 1907, and January 17, 1907 inclusive, and that said notice is attached referred to and made a part of this affidavit.

P. A. Jackson.

Subscribed and sworn to before me this the 19th day of January, 1907.

G. J. Sorrell,  
Probate Judge, Tallapoosa Co.

H. 449. To change and define the boundary line of Bibb county, Alabama, between said county and the counties of Shelby and Jefferson.

And sends the same to the Senate with notice and proof attached and herewith exhibited as follows:

## LEGAL NOTICE.

Notice is hereby given that a bill will be introduced at the next session of the Legislature of Alabama, and an

application will be made for the passage of the same, changing and defining the boundary line of Bibb county, Alabama, between said county and counties of Shelby and Jefferson so that the same shall be as follows:

Beginning at the north end of the present line between the counties of Bibb and Chilton at the southeast corner of section 29, township 24 north, range 12 east, thence north along the section line of the southeast corner of section 8 of said township and range, thence west to the southwest corner of section 7 of said township and range, thence north to Freeman's line, thence west to the southwest corner of fractional section 27, township 22 south, range 4 west, thence along section line to northeast corner of section 4, township 22 south, range 4 west, thence along township line to the northwest corner of section 6, township 22 south, range 4 west, thence north along the range line to the northeast corner of township 21 south, range 5 west, thence west along said township line to the west bank of Roup's Creek, thence up said creek in a northerly direction to the present corner of Bibb, Tuscaloosa, and Jefferson counties.

Given this December 11th, 1906.

Jerome T. Fuller,  
Representative for Bibb County.  
Herbert E. Reynolds,  
Senator 18th Senatorial District.

#### PROOF OF PUBLICATION.

H. E. Whitaker, being first duly sworn, says he is publisher of the *Columbiana Sentinel*, a weekly paper published at Columbiana, Shelby county, Ala., and that the attached notice was published in *The Sentinel* for four (4) consecutive weeks bearing dates of December 20th and 27th, 1906, and January 3rd, 1907, and 10th, 1907.

H. E. Whitaker,  
Publisher *Columbiana Sentinel*.

Subscribed to and sworn before me this 10th day of January, 1907.

W. W. Wallace,  
Notary Public.



## LEGAL NOTICE.

Notice is hereby given that a bill will be introduced at the next session of the Legislature of Alabama and an application will be made for the passage of same changing and defining the boundary line of Bibb county, Alabama, between said county and the counties of Shelby and Jefferson so that the same shall be as follows:

Beginning at the north end of the present line between the counties of Bibb and Chilton at the southeast corner of section 29, township 24, north, range 12 east, thence north along the section line to the southeast corner of section eight of said township and range, thence west to the southwest corner of section 7, of said township and range, thence north to Freeman's line, thence west to the southwest corner of fractional section 27, township 22 south, range 4 west, thence along section line to northeast corner of section 4, township 22 south, range 4 west, thence west along township line to the northwest corner of section 6, township 22 south, range 4 west, thence north along the range line to the northeast corner of township 21, south, range 5, west, thence west along said township line to the west bank of Roup's creek, thence up said creek in a northerly direction to the present corner of Bibb, Tuscaloosa and Jefferson counties.

Given this Dec. 11th, 1906.

Jerome T. Fuller,  
Representative of Bibb County.  
Herbert E. Reynolds,  
Senator Eighteenth Senatorial Dist.

The State of Alabama    }  
Bibb County.                }

Personally appeared before me, S. D. Logan, a notary public in and for said county, L. H. Nunellee, who being sworn, says upon oath that he is the editor of the Centreville Press, a weekly newspaper published weekly

at Centreville in said county, and that the above notice was published in said paper four successive weeks ending Dec. 27th, 1906.

L. H. Nunnelee,  
Editor of the Centreville Press.

Sworn to and subscribed before me on this Jan. 8th, 1907.

S. D. Logan, N. P.

#### LEGAL NOTICE.

Notice is hereby given that a bill will be introduced at the next session of the Legislature of Alabama and an application will be made for the passage of same, changing and defining the boundary line of Bibb county, Alabama between said county and the counties of Shelby and Jefferson, so that the same shall be as follows:

Beginning at the north end of the present line between the counties of Bibb and Chilton, at the southeast corner of section 29, township 24, north, range 12 east, thence north along the section line to the southeast corner of section 8 of said township and range, thence west to the southwest corner of section 7 of said township and range, thence north to Freeman's line, thence west to the southwest corner of fractional section 27, township 22, south, range 4, west, thence north along section line to northeast corner of section 4, township 22, range 4, west, thence north along the range line to the northeast corner of township 21, south, range 5 west, thence west along said township line to the west bank of Roup's creek, thence up said creek in a northerly direction to the present corner of Bibb, Tuscaloosa and Jefferson counties.

Given this December 11, 1906.

Jerome T. Fuller,  
Representative for Bibb County.

Herbert E. Reynolds,  
Senator Eighteenth Senatorial District.

The State of Alabama    }  
                   Jefferson County.    }

Personally appeared before me, L. E. Pugh, a notary public in and for said county and State J. H. F. Mosely who being duly sworn on his oath says, that he is manager of the Labor Advocate a weekly newspaper published weekly at Birmingham in Jefferson county, Alabama, and that he published in the said newspaper the above notice, it being a notice of a proposed bill to be introduced in the present Legislature of Alabama to change and define the boundary line between the county of Bibb and the counties of Shelby and Jefferson, and that the said above notice was published in the said paper four consecutive weeks, on the 15th, 22nd and 29th, of December 1906, and on the 4th day of January 1907, and that the above attached article is an exact copy of the notice published.

J. H. F. Mosley.

Sworn to and subscribed before me this the 25th day of January, 1907.

L. E. Pugh,  
 Notary Public.

H.418. To fix, provide for and regulate the pay of State witnesses before the grand juries and circuit and county courts of Tuscaloosa county.

And sends the same to the Senate with notice and proof attached and herewith exhibited as follows:

Notice is hereby given that there will be introduced and offered for passage at the session of the Legislature which will convene on January 8, 1907, a bill applicable to Tuscaloosa county substantially as follows:

#### A BILL

To be entitled an act to fix, provide for and regulate the pay of State witnesses before the grand juries and circuit and county courts of Tuscaloosa county.

Section 1. Be it enacted by the Legislature of Alabama, That witnesses for the State in all criminal prose-

cutions attending before the grand juries and circuit and county courts of Tuscaloosa county shall be entitled to one dollar per day and three cents per mile actually traveled by the most direct route in going to court and returning home.

Section 2. Be it further enacted, That it shall be the duty of the clerk of circuit and county courts to issue to each State witness attending before said courts when discharged a certificate for his or her per diem and mileage in accordance with this act, and shall keep a record of every such certificate so issued, with its date and number and to whom issued and party against whom said witness was called and appeared. During the sitting of the grand juries in said county it shall be the duty of the foreman of the grand jury to issue to each witness regularly called and appearing before the grand jury a certificate for his or her per diem and mileage, in accordance with this act, and keep a record of every such certificate so issued, with its date and number and to whom issued and name of party against whom such witness was called and appeared.

Section 3. Be it further enacted, That every certificate issued in accordance with the provisions of this act must be paid in cash by the county treasurer out of the general fund upon presentation, endorsed on the back by the witness to whom issued.

Section 4. Be it further enacted, That it shall be the duty of the clerk of the circuit and county courts to provide a book of registry, in which immediately after the adjournment of the grand jury he shall enter a list of all certificates issued by the foreman of the grand jury, in accordance with the provisions of this act, showing their date, number, amount and names of parties to whom issued, and shall likewise provide a book of registry, in which he shall immediately after the adjournment of each term of court enter a list of certificates issued by him to State witnesses, in accordance with this act, showing the date, number, amounts and names of parties to whom issued; that said clerk immediately upon completion of the said registration file said book of registry with the county treasurer; that the said clerk

for performing the duties required of him by this section of this act shall receive three cents for each certificate registered, to be paid to him by the county treasurer out of the general fund upon the filing of said book of registry with said treasurer. The county treasurer shall enter upon said register opposite the name and amount the date he paid said certificate, and shall file said certificate as a voucher for said payment.

Section 5. Be it further enacted, That any witness attending on the same day as a witness for the State in more than one case shall only be entitled to pay in one case, and whenever a witness has attended as a witness for the State on the same day in more than one case the court may direct in which case a certificate may be issued.

Section 6. Be it further enacted, That the amount of all State witness certificates issued in any case must on conviction of the defendant, be taxed against the defendant, and collected of him as other costs, as is provided by law, and shall be paid into the county treasurer to the credit of the general fund.

Section 7. Be it further enacted, That if any section or provision of this act be held or declared unconstitutional or void, all other provisions hereof shall nevertheless be valid and of force.

Section 8. Be it further enacted, That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

The State of Alabama     }  
Tuscaloosa County.        }

Before me the undersigned, Walter Smith, a notary public in and for said county and State personally appeared John T. Bealle, who being first duly sworn deposes and says that the attached notice was published in the West Alabama Breeze, a newspaper published in Tuscaloosa county, Alabama, for four consecutive weeks before this date, said notice having been published in the issues of said newspaper issued on the following dates, viz.: December 26, 1906, January 2, 1907, and January

9th, 1907, and January 16th, 1907; and that affiant is the owner and publisher of said newspaper.

Sworn to and subscribed before me, this 18th day of January, 1907.

Walter Smith,  
Notary Public.

#### HOUSE MESSAGE.

The House bills in the foregoing message were severally read once and referred to appropriate standing committees, as follows:

H. 174, 521, 507, 528, 449, 418, to Local Legislation.

H. 415, to Finance and Taxation.

#### BILLS ON THIRD READING.

The bill:

H. 161. To confer additional jurisdiction upon the county court of Monroe county, Alabama, and to regulate the proceedings therein.

Was read a third time, at length and passed.

Yeas, 29; nays, 0.

Yeas:

Messrs:

Barbour	Hamner	Lowe	Reynolds
Bayles	Hayes	Lusk	Spragins
Blackmon	Heacock	Merritt	Strother
Davis	Hinson	Miller	Teasley
Doster	Horton	Moody	Thomas
Forrester	Jones	McWhorter	White
Glenn	King	Reese	Wilson
Gunn			

—29.

The bill:

S. 247. To provide for the holding of a term of the circuit court of the fifth judicial circuit at Goodwater in Coosa county, and to regulate the same.

Was read a third time, at length and passed.

Yeas, 24; nays, 0.

Yeas:

Messrs:

Davis	Hayes	Lusk	Reynolds
Doster	Heacock	Merritt	Spragins
Forrester	Hinson	Miller	Thomas
Glenn	Horton	McWhorter	White
Gunn	Jones	Overton	Wilson
Hamner	King	Reid	Moody

—24.

## CONSIDERATION OF SPECIAL ORDERS.

The Senate then proceeded to consider the special order first on the calendar for today, which was:

S. 12. To define, prohibit and punish aiding and abetting or counseling or procuring an unlawful sale, purchase, gift or other unlawful disposition of spirituous, vinous or malt liquors, or other liquors prohibited by law from being sold, given or otherwise disposed of.

Mr. Spragins offered the following amendment to said bill:

To amend line seven in section one (1) of the bill by inserting the word "unlawful" between the words "the" and "sale."

Which was adopted.

Yeas, 29; nays, 1.

Yeas:

Messrs:

Barbour	Hamburger	Lowe	Reid
Bayles	Hamner	Lusk	Spragins
Davis	Heacock	Merritt	Strother
Doster	Hinson	Miller	Teasley
Forrester	Horton	Moody	Thomas
Gardner	Jones	McWhorter	White
Glenn	King	Overton	Wilson
Gunn			

—29.

Nays: Mr. Leith—1.

Mr. Miller then offered the following amendment to said bill:

Amend section one by inserting next before the word "purchase" where it first occurs in said section the word "unlawful" and by inserting next before the word "gift" where it first occurs in said section one the word "unlawful."

Which was adopted.

Yeas, 29; nays, 1.

Yeas:

Messrs:

Barbour	Hamner	Lowe	Reid
Bayles	Hayes	Lusk	Spragins
Blackmon	Heacock	Merritt	Strother
Davis	Hinson	Miller	Teasley
Forrester	Horton	Moody	Thomas
Gardner	Jones	McWhorter	White
Glenn	King	Overton	Wilson
Gunn			

—29.

Nays: Mr. Leith—1.

And said bill as thus amended, was read a third time, at length and passed.

Yeas, 26; nays, 0.

Yeas:

Messrs:

Barbour	Hamner	Lowe	Spragins
Davis	Hayes	Lusk	Strother
Forrester	Heacock	Miller	Teasley
Gardner	Horton	Moody	Thomas
Glenn	Jones	McWhorter	White
Gunn	King	Reid	Wilson
Hamburger	Leith		

—26.

The Senate then proceeded to consider the next special order on the calendar for today, which was:

S. 188. To provide that under certain conditions an election may be held in the several counties in Alabama,



each county acting by and for itself only, as to whether municipal corporations in such counties shall have authority to buy and sell, spirituous, vinous and malt liquors; to provide that the voters at said election shall vote for dispensary or against dispensary, to declare the result and effect of said election, to define the term dispensary, as used in this act, to provide that in those counties in which, at the election aforesaid, a majority of the votes are cast "For Dispensary" the municipal corporations in said counties shall have authority to establish, maintain and operate dispensaries, and in and through such dispensaries to buy and sell spirituous, vinous and malt liquors; to prohibit and punish the selling of liquors and intoxicating drinks in said counties in any other way than by such municipal corporations through their dispensaries, to declare that the violation of certain provisions of this act shall be a misdemeanor and to provide for the punishment thereof, and to further regulate the sale of liquors in said counties; this act not being intended, however, to repeal or affect any law which prohibits the sale of liquors in any county or part of a county, or to repeal or affect any law which authorizes municipal corporations to buy and sell liquors in any county or part of a county by and through dispensaries.

The following amendment to said bill offered by the committee:

Amend Senate bill No. 188 by inserting after the words "repeal," wherever it occurs on section 36 of said bill, the words "or affect the operation of," with a comma before and after said last named words. Also amend section 36 of said bill by striking out the words "local or special" wherever they occur in said section.

Also amend by inserting before the words, "local option act of 1907" wherever they occur in said bill, the word "dispensary." After the word "county" where it first appears in section 1 of the bill insert the words "according to the last preceding registration." After the word "containing" where the same appears in line 10 of section 2 of the printed bill insert the words "as for

as practicable." After the word "dispenser" where it appears in the first line of section 29 of the printed bill, insert the words "or any of his assistants, servants, or employees" and strike out the words "he" at the end of line three in said section as shown in the printed bill, and insert in lieu thereof the words "such dispenser, assistant, servant or employee so offending," strike out the word "he" where it appears in the first line of section 29 of the printed bill, and insert in lieu thereof the words "the dispenser."

Was taken up and adopted.

Yeas, 16; nays, 2.

Yeas:

Messrs:

Barbour	Gunn	King	Moody
Forrester	Hamburger	Leith	McWhorter
Gardner	Heacock	Lowe	Spragins
Glenn	Jones	Lusk	Thomas

—16.

Nays: Messrs. Reid and Strother—2.

Mr. Teasley then offered the following amendment to said bill:

Amend by adding the following: Section 37. That each incorporated city or town of twenty thousand population or over, shall act for and by itself only, independent of the county, in which such city or town is located and the provisions of this act shall govern said elections and dispensaries when established in such cities or towns.

Mr. Moody moved to table. Pending the consideration of which,

RECESS.

At 1:30 o'clock p. m., on motion of Mr. Gunn, the Senate took a recess until 3:30 o'clock this afternoon.

## AFTERNOON SESSION.

The Senate reassembled at 3:30 o'clock p. m.

## ROLL CALL.

Upon the call of the roll a quorum was present.

## PRIVILEGES OF THE FLOOR.

The privileges of the floor were extended to Messrs. Jones G. Moore, Erskine, Ramsey, Hugh, Morrow for today.

## UNFINISHED BUSINESS.

The Senate resumed the unfinished business of the morning session.

Which was the motion of Mr. Reese, to table the amendment offered by Mr. Teasley to Senate bill No. 188, which said motion prevailed, and the amendment offered by Mr. Teasley was laid on the table.

Yeas, 24; nays, 5.

Yeas:

Messrs:

Barbour	Glenn	King	Overton
Blackmon	Gunn	Lowe	Spragins
Davis	Hamner	Lusk	Strother
Doster	Heacock	Merritt	Thomas
Forrester	Hinson	Moody	White
Gardner	Jones	McWhorter	Wilson

—24.

Nays:

Messrs:

Hamburger	Reid	Miller	Teasley
Hayes			

—5.

Mr. Gunn offered the following amendment:

Amend by adding:

37. That no dispensary shall be established in any town or village or city unless, at the election herein pro-

vided a majority of the votes cast in the beat, precinct, ward or wards which the said town, village or city were for dispensary."

Which was withdrawn by him.

Mr. Thomas offered the following amendment to said bill:

Amend section 17, so that the same will read as follows, to-wit: If the purchasing agent personally takes or receives directly or indirectly any commission, percentage, rebate, gift, present or compensation of any kind whatsoever, he shall be deemed guilty of a misdemeanor and on conviction shall be fined not less than ten dollars, nor more than one thousand dollars and may also be sentenced to hard labor for the county, for not more than twelve months, one or both at the discretion of the jury.

Which motion was adopted.

Yeas, 30; nays, 0.

Yeas:

Messrs:

Barbour	Hamburger	Lusk	Reynolds
Blackmon	Hamner	Merritt	Spragins
Davis	Hayes	Moody	Strother
Doster	Heacock	McWhorter	Teasley
Forrester	Hinson	Overton	Thomas
Gardner	Jones	Reese	White
Glenn	Leith	Reid	Wilson
Gunn	Lowe		—30.

And said bill as thus amended, was read a third time, at length and passed.

Yeas, 29; nays, 0.

Yeas:

Messrs:

Barbour	Hamburger	Merritt	Reynolds
Blackmon	Hamner	Miller	Spragins
Davis	Hinson	Moody	Strother
Doster	Jones	McWhorter	Teasley
Forrester	Leith	Overton	Thomas
Gardner	Lowe	Reese	White
Glenn	Lusk	Reid	Wilson
Gunn			—29.

And on motion of Mr. Moody said bill was ordered sent forthwith to the House without engrossment.

The bill:

H. 86. To authorize and require the commissioners' court of Clarke county, Alabama, to set apart and appropriate money from the general funds of said county with which to pay and discharge certificates of State witnesses issued by the foreman of the grand jury and by the clerk of the circuit court of said county, fees which by law become a good claim against the fine and forfeiture fund of said county, after the approval of this act, and to regulate the manner of said payments and fixing the amount of said witness fees.

Was read a third time, at length and passed.

Yeas, 28; nays, 0.

Yeas:

Messrs:

Barbour	Hamner	Lusk	Reynolds
Davis	Hayes	Merritt	Spragins
Doster	Heacock	Miller	Strother
Forrester	Hinson	Moody	Teasley
Gardner	Jones	McWhorter	Thomas
Glenn	Leith	Overton	White
Gunn	Lowe	Reid	Wilson
Hamburger			

—28.

The bill:

H. 83. To confer additional jurisdiction upon the county court of Choctaw county and to regulate the proceedings therein.

Was read a third time, at length and passed.

Yeas, 25; nays, 0.

Yeas:

Messrs:

Barbour	Hamburger	Moody	Spragins
Davis	Hayes	McWhorter	Strother
Doster	Heacock	Overton	Teasley
Forrester	Jones	Reese	Thomas
Gardner	Lowe	Reid	White
Glenn	Merritt	Reynolds	Wilson
Gunn			

—25.

Pending third readings:

MESSAGE FROM THE HOUSE.

Mr. President:

The House accedes to the request of the Senate contained in the S. J. R. No. 43, and herewith returns the said bill to the Senate—Senate bill No. 16.

Cyrus B. Brown,  
Clerk.

HOUSE MESSAGE.

On the return to the Senate by the House of Senate bill,

S. 16. To fix and establish the maximum rates to be charged by railroads now operating, or which may hereafter operate as common carriers in whole or in part in the State of Alabama, for the transportation originating and terminating within the State, of certain articles, and for this purpose to classify said articles and said railroads.

The Senate proceeded to reconsider the bill, and on motion of Mr. Lusk the motion by which the bill was passed was reconsidered, as also the vote by which the bill was ordered to a third reading was reconsidered.

Mr. Lusk then offered the following amendment to the bill:

Amend section three, by inserting the letter "P" in line 44 on page 3 under the caption "when shipped in car-load lots and at carriers' risk."

Amend section three, by inserting the letter "P" in line 46 on page 3, under the caption "when shipped in car-load lots and at carriers' risk." Which was adopted.

Yeas, 25; nays, 0.

Yeas :

Messrs :

Barbour	Hamburger	Miller	Reynolds
Davis	Hayes	Moody	Spragins
Doster	Heacock	McWhorter	Strother
Forrester	Hinson	Overton	Teasley
Gardner	Jones	Reese	Thomas
Glenn	Lusk	Reid	Wilson
Gunn			

—25.

And the bill as thus amended, was read a third time, at length and passed.

Yeas, 25; nays, 0.

Yeas :

Messrs :

Barbour	Heacock	Lusk	Reid
Davis	Hinson	Merritt	Reynolds
Forrester	Horton	Miller	Spragins
Gardner	Jones	Moody	Strother
Glenn	Leith	McWhorter	Thomas
Gunn	Lowe	Overton	Wilson
Hamburger			

—25.

#### REPORT FROM COMMITTEE ON ENROLLED BILLS.

Mr. President :

The committee on Enrolled Bills have examined and compared the following Senate bills :

S. 7. To define and prohibit the unlawful giving, issuing, using, or receiving free passes, rebates, reductions or discounts for transportation by common carriers of passengers, and to punish the unlawful giving, issuing, using or receiving the same.

S. 46. To divide the county of Macon into four commissioners' districts and to provide for the election of a commissioner for each district.

And find the same correctly enrolled.

Frank S. Moody,  
Chairman.

## SIGNING OF BILLS.

The President of the Seante, in the presence of the Senate, immediately after their titles had been publicly read at length by the secretary, signed the above Senate bills, the titles of which are set out in the foregoing report from the committee on Enrolled Bills, the reading at length of said bills having been dispensed with by a two-thirds vote of a quorum of the Senate present.

## MESSAGE FROM THE HOUSE.

Mr. President :

The House has originated and adopted the following joint resolution :

H. J. R. 66. A Joint resolution petitioning the Congress of the United States to make a fact that any one, who, being insolvent, deals illegally in what is commonly called "futures," or future contracts, an additional ground of bankruptcy.

Be it resolved by the Legislature of Alabama, That we do hereby earnestly petition the Congress of the United States of America to make in addition to the grounds of bankruptcy already existing, an additional ground, the fact that any one, who, being insolvent, deals illegally in what is commonly called "futures" or future contracts.

Cyrus B. Brown,  
Clerk.

## HOUSE MESSAGE.

The above and foregoing House joint resolution No. 66, whose title is set out in the foregoing House message was referred to the committee on Rules.

## NOTICE.

Mr. Gardner gave the following notice:  
To the Senate:

Notice is hereby given that motion will be made on Saturday, Feb. 9th, 1907, to have placed on the calendar



and for a second reading in the Senate of Senate bill No. 81, reported adversely by committee on Revision of Laws.  
Lucian Gardner.

#### REPORT FROM COMMITTEE ON ENGROSSED BILLS.

Mr. Spragins, from the committee on Engrossed Bills, made the following report:

The committee on Engrossed Bills report that they have re-examined Senate bill No. 16, referred back to them for correction, and have corrected said engrossed bill, Senate bill No. 16, by adding the word "company" after the word "person" in line two of section four, and by adding the word "classes," after the word "except" in line ten (10), page eight (8), of the engrossed bill.

Feby. 8, 1907.

Robt. E. Spragins,  
Chairman.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bills:

H. 107. To prohibit the sale of adulterated cotton seed meal as fertilizers, to have the same analyzed and a guaranteed analysis printed on tags and tags attached to the bags containing the same, and in case of sales in bulk to have such analysis set forth in the contract of sale and providing that all sales of such meal which does not contain the ingredients represented shall be void and that any money paid for same may be recovered by the purchaser.

And sends the same to the Senate.

H. 499. To authorize the county of Lee to borrow money not exceeding the current revenue of said county for any one year, in the discretion of the court of county commissioners of said county.

And sends the same to the Senate, with notice and proof attached, and herewith exhibited as follows:

The State of Alabama }  
 Lee County. }

Before me, J. B. Lyons, judge of probate in and for said county, personally appeared W. T. Wear, who, being duly and legally sworn, deposes and says that he is one of the editors and proprietors of the Opelika Daily News, a newspaper published in Lee county, Alabama, and which is published daily, except Sundays, that the notice, a copy of which is hereto attached, was inserted in and published in said Opelika Daily News once a week for four consecutive weeks since the 22nd day of December, 1906, and prior to this date.

W. T. Wear.

Sworn to and subscribed before me on this the 24th day of January, 1907.

J. B. Lyons,  
 Judge of Probate.

#### NOTICE.

To whom it may concern:

Notice is hereby given that at the next session of the Legislature of Alabama, a bill will be introduced, the substance of which will be to authorize the county of Lee to borrow money, not exceeding the current revenue of said county per annum in the discretion of the court of county commissioners of said county.

Also, at the next session of the Legislature of Alabama, will be introduced a bill to ratify and confirm the prior acts of the court of the county commissioners, or other authorized agents of the county in borrowing money and to confirm and ratify the warrants given for money so borrowed.

J. B. Lyons,  
 Judge of Probate.

H. 407. To amend section 10 of an act entitled an act to provide for the more efficient working of the public roads in Morgan county, Alabama, approved February 28th, 1901.

And sends the same to the Senate, with notice and proof attached and herewith exhibited as follows:

## NOTICE.

A bill amending an act entitled "An act to provide for the more efficient working of the public roads in Morgan county, Alabama," approved February 28th, 1901, will be introduced into the next session of the Legislature of Alabama of the year 1907, so that all male inhabitants from the age of 18 to 45 years in said county can only be discharged from such duty for any year by paying to the supervisor of his district one dollar each day he is required to work.

The State of Alabama     }  
           Morgan County.     }

Before me, M. C. Burch, a notary public in and for said State and county, this day personally appeared C. J. Hildreth, who being by me duly sworn, deposes and says, that he is the editor of the New Decatur Advertiser, a newspaper published in New Decatur, Morgan county, and that the above and foregoing notice hereto attached and made a part of this affidavit was published once a week for four consecutive weeks in the New Decatur Advertiser, a weekly newspaper published in New Decatur, county of Morgan, and State of Alabama; that a copy of said notice was inserted in each copy of said paper for four consecutive weeks prior to this date, and commencing on the 13th day of December, 1906, and being published once a week for every week thereafter until, to-wit: the 3rd day of January, 1907.

C. J. Hildreth.

Sworn to and subscribed before me, this 17th day of January, 1907.

M. C. Burch,  
 Notary Public.

H. 515. To abolish the county court of Morgan county, Alabama, and to annul its jurisdiction, which court is provided for in and by article 3, chapter 142, of the Code of Alabama, and to provide for the transfer of all the causes of every kind and description pending in said court at the time of the approval of this act, together

with all papers, records, processes and everything pertaining to such causes, pending in said court, by the clerk thereof, to the Morgan county law and equity court.

And sends the same to the Senate, with notice and proof attached and herewith exhibited as follows:

The State of Alabama     }  
Morgan County.            }

Before me, S. A. Lynne, a notary public in and for said county in said State, personally appeared J. C. Orr, who, being by me duly sworn, deposes and says that he is the editor and proprietor of the "Morgan County Times," a newspaper published in New Decatur, Morgan county, Alabama; that said newspaper is published and issued twice a week in New Decatur, in said county and State, and has been so published and issued continuously for more than twelve months; that notice of the intention to apply to the present session of the Legislature of Alabama for the passage of a law to abolish the county court of Morgan county, Alabama, and to annul its jurisdiction, which court is provided for in and by article three, chapter 142 of the Code of Alabama, 1896, and to provide for the transfer of all of the cases of every kind and description, pending in said court at the date of the approval of this act, together with all papers, records, processes, and everything pertaining to such cases pending in said court by the clerk thereof, to the Morgan county law and equity court, for which court a bill will be enacted by the said Legislature, has been published, without cost to the State of Alabama, in said newspaper, the "Morgan County Times," in New Decatur, Alabama, once a week for four consecutive weeks, beginning with the fourth day of January, 1907, issue of said paper, and appearing in the issues of Jan. 4th, 11th, 18th, and 25th, respectively, and concluding with the 25th day of January issue of said paper; that the notice herein referred to stated the substance of said proposed law, as is shown by a copy of said notice as published and appearing in each of the issues of said paper as hereinabove stated,

and which copy is hereto attached and marked "Exhibit A" and made a part of this affidavit.

(Signed) J. C. Orr.

Sworn to and subscribed before me, this the 25th day of January, 1907.

(Signed) S. A. Lynne,  
Notary Public.

#### NOTICE.

Notice is hereby given that there will be introduced in the coming session of the Legislature of Alabama a bill to abolish the county court of Morgan county, Alabama, and to annul its jurisdiction, which court is provided for in and by article 3, chapter 142 of the Code of Alabama, 1896.

Said bill will also provide for the transfer of all the cases of every kind and description pending in said court at the date of the approval of this act, together with all papers, records, processes and everything pertaining to such causes pending in said court, by the clerk thereof, to the Morgan county law and equity court, for which court a bill will be enacted by the said Legislature.

S. A. Lynne,  
L. P. Troup,  
Marvin West,  
Committee.

H. 115. To prohibit the sale, giving away, delivering or otherwise disposing of spirituous, vinous or malt liquors, intoxicating bitters or cordials or fruits preserved in alcoholic liquors, or other intoxicants in Fayette county, Alabama, if a majority of the votes cast in the election herein provided be in favor of prohibition, to provide for the holding of said election and to further regulate the handling, ordering or other disposition of spirituous, vinous or malt liquors or other intoxicants in said county.

And sends the same to the Senate, with notice and proof attached and herewith exhibited as follows:

## NOTICE.

Is hereby given of the intention of the undersigned to apply for the passage of the following law at the next session of the Legislature of Alabama, viz.:

## AN ACT

To prohibit the sale, giving away, delivering or otherwise disposing of spirituous, vinous or malt liquors, intoxicating bitters or cordials or fruits preserved in alcoholic liquors or other intoxicants in Fayette county, Alabama.

Sec. 1. Be it enacted by the Legislature of Alabama, That upon the filing of a petition with the judge of probate, signed by not less than two hundred qualified electors of said county, stating that they, the said electors, desire an election to be held in said county for the purpose of ascertaining whether the sale of intoxicating liquors shall continue or whether such sale shall be prohibited in Fayette county, Alabama, it shall be the duty of said judge of probate of such county to order an election to be held in said county for the purpose stated in said petition.

Sec. 2. Upon the filing of said petition it shall be the duty of the said judge of probate to order an election to be held in the various precincts and voting places in said county, such election to be held not less than forty nor more than sixty days from the filing of such petition, and the judge of probate shall designate the day upon which the same shall be held, and he shall give notice of the holding of said election, such notice to specify the time and purpose for which such election is to be held, and shall be published in some newspaper published in said county, for not less than four consecutive weeks prior to the holding of the same; but failure to give said notice as herein provided shall not invalidate such election.

Sec. 3. On the day appointed by the judge of probate for the holding of such election, an election shall be held in the various precincts and voting places of the county of Fayette, Alabama, and all persons who are at the time

of said election qualified electors under the provisions of the general election law of this State shall be entitled to vote in said election, and the provisions of the general election law for this State shall govern said election in all matters, except it shall be the duty of the judge of probate to give notice of the holding of such election by publication, and provided should the provisions of this act be inconsistent with the general election law, this act so far as consistent with such general election law shall prevail.

Sec. 4. For the purpose of said election the judge of probate shall have prepared and printed at the expense of the county, a sufficient number of ballots, so as to have as many as twice the number of ballots for each voting place or precinct as there are qualified electors in such precinct or voting place.

Sec. 5. In the election to be held under the provisions of this act the question shall be submitted to the electors of said county under the plan hereinafter provided, whether the sale of intoxicating liquors shall be prohibited or whether operated saloons shall continue to be opened in said county.

Sec. 6. The ballots to be used in said election, shall consist of a strip of white paper of sufficient size having printed thereon the words "I favor prohibition," and immediately under the above mentioned words shall be printed the words "I favor open saloons."

Sec. 7. In the election provided for in this act, an elector desiring to cast his vote in favor of prohibition, shall so indicate his intention by making a cross (x) mark immediately to the left of the words "I favor prohibition," and an elector desiring to cast his vote in favor of open saloons shall so indicate his intention by making a cross (x) mark immediately to the left of the words "I favor open saloons."

Sec. 8. It shall be the duty of the managers of said elections immediately upon the closing of the polls to canvass the vote as in general elections and certify the same to the judge of probate, in the same manner as certificates of the election under the general election law is

made and the judge of probate with the sheriff and clerk of the circuit court of Fayette county, Alabama, shall on Saturday after the third day following the election, meet and canvass the returns of the various precincts and voting places and certify the result, and such certificate of said canvassing board shall be recorded in the minutes of the probate court of said county, and such record or certified copy thereof shall be prima facie proof of the result of the election as therein stated.

Sec. 9. In the event that a majority of the votes cast in such election should be in favor of prohibition, then after the first day of January next succeeding the date of the holding of such election, it shall be unlawful for any person, firm or corporation to bring into the county of Fayette, for the purpose of delivery, or to deliver in Fayette county to any other person, firm or corporation any spirituous, vinous or malt liquors, intoxicating bitters or cordials or fruits preserved in alcoholic liquors or other intoxicants, and it shall be unlawful for any person, firm or corporation, to accept or receive a delivery of the same, except as hereinafter provided; provided this act shall not apply where such delivery is to a connecting carrier for transportation through said county.

Sec. 10. In the event that a majority of the votes cast in such election should be in favor of prohibition, it shall be unlawful for any person, firm or corporation, to order or act as the agent of another in ordering any spirituous, vinous or malt liquors or article specified in the next preceding section of this act, to be delivered in Fayette county, Alabama, except as hereinafter provided.

Sec. 11. Should a majority of the votes cast in the election herein provided for be in favor of prohibition, then after the first day of January following such election it shall be unlawful for any person, firm or corporation to sell, give away, deliver or otherwise dispose of spirituous, vinous or malt liquors, intoxicating bitters or cordials, or fruits preserved in alcoholic liquors, or other intoxicants, in Fayette county, Alabama; provided that any reputable licensed druggist, or any reputable licensed practicing physician may keep and dispose of such articles for medicinal or sacramental purposes, and



for which purposes the same may be used; provided further that the quantity of any one kind of such articles kept on hand by such physician or druggist, shall not exceed one gallon at any one time, and such physician or druggist shall in no event sell, deliver, give or otherwise dispose of more than four ounces of such spirituous, vinous or malt liquors to the same party, or person, or for the same party or person in any one day.

Sec. 12. Such druggist or physician shall dispose of such liquors or articles mentioned in the next preceding section of this act, in no other way or manner and under no other circumstances than under the medical prescription of a reputable practicing physician who has subscribed to an oath, that he will not prescribe spirituous, vinous or malt liquors, intoxicating bitters or cordials or intoxicants of any kind for any person, except in cases of absolute necessity, which oath must be made, subscribed and sworn to before the judge of probate of said county, and be filed and entered of record in the office of the judge of probate of said county.

Sec. 13. It shall be unlawful for any druggist or physician to receive or order, or deliver to another, sell, give away, or otherwise dispose of spirituous, vinous or malt liquors, intoxicating bitters or cordials, or fruits preserved in alcoholic liquors, or intoxicants of any kind, without first having taken and subscribed to an oath before the judge of probate of said county that he will faithfully observe and keep the requirements of this act, and that he will not handle, sell or dispose of the articles mentioned in this section except in strict accordance with this act, which oath he must have filed and recorded in the office of the judge of probate of said county. And in addition to the penalties hereinafter set out and provided for a violation of this and the next preceding section of this act by a druggist or physician upon conviction for such offense the license of such physician or druggist shall be forfeited and be of no further force and effect.

Sec. 14. Any party authorized to sell or dispose of spirituous, vinous or malt liquors, or other intoxicants under the provisions of this act, are hereby authorized

to receive the same in such quantities as may be authorized under this act, and such parties are hereby authorized to sell or deliver the same, if done in accordance with the provisions of this act.

Sec. 15. Any party, person, firm or corporation guilty of a violation of the provisions of sections 9, 10, 11, 12 and 13 of this act shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than fifty nor more than five hundred dollars, and may also be imprisoned in the county jail or sentenced to hard labor for the county for not more than six months, and one half of such fine shall be paid to the prosecutor or informant beginning the prosecution thereof.

Wm. M. Cannon.

The State of Alabama }  
Fayette County. }

Personally appeared before me, Chas. W. Sanders, a notary public in and for said county and State, R. J. Smith, known to me to be the printer and publisher of the Fayette Banner, a newspaper, known by me to be published in said county and State, who being duly sworn, says on oath, that he said R. J. Smith, affiant, is the printer and publisher of The Fayette Banner, a newspaper, and that said Fayette Banner is published in Fayette county, Alabama, and that the notice, a copy of which is hereto attached, to apply for the passage by the Legislature of Alabama, of a law as set out in said notice, has been published in said Fayette Banner, newspaper, once a week for four consecutive weeks while said newspaper was being published in said county and State, and while affiant was printer and publisher thereof.

R. J. Smith,  
Printer and Publisher.

Sworn to and subscribed before me, this 11th day of January, 1907.

Chas. W. Sanders,  
Notary Public.

H. 158. To provide for and regulate the mode of selecting, drawing and empaneling grand and petit jurors, for the county of Mobile.

And sends the same to the Senate, with notice and proof attached and herewith exhibited as follows:

The State of Alabama, }  
Mobile County. }

Personally appeared before me, James A. Shelton, clerk of the city court of Mobile, the undersigned, Thomas Allmon, who on oath deposes and says, that he is the bookkeeper and cashier of the Mobile Daily Herald; that the Mobile Daily Herald is a newspaper published in the city and county of Mobile, State of Alabama, and that the subjoined notice of a local or special law, was published in the said newspaper once a week for four consecutive weeks, as required by section 106 of the Constitution of the State of Alabama; that is to say:

#### NOTICE.

The State of Alabama, }  
Mobile County. }

Notice is hereby given as required by law of the intention to apply to the Legislature of Alabama, at its next session, for the passage of an act to provide for and regulate the mode of selecting, drawing and empaneling grand and petit jurors for the county of Mobile, and the substance of the proposed law is as follows:

Section 1, as proposed, provides in substance that all male residents of the county between 21 and 65 years of age are subject to jury duty, except those exempt from such service under the general laws of the State.

Section 2, as proposed, provides in substance for the creation of a jury commission, consisting of the judge of probate and three citizens residing in the county, to be appointed by the governor, the judge of probate to be president of the commission, but in his absence one of the members to act as such; at least three must be present to legalize the acts of the board, and when two or more are incapacitated the governor may appoint tem-

porary commissioners; prescribes the oath of office which shall be taken and makes the term of office four years, and provides for the filling of vacancies occurring by death or otherwise, by appointment by the governor. The board must employ a clerk.

Section 2 also provides an annual salary of \$360.00 to the members and \$600 to the clerk of the board all to be paid out of the county treasury.

Section 3, as proposed, provides in substance that the jury commission must procure four boxes, to be labelled Jury Box No. 1 and Jury Box No. 2, city and circuit courts, respectively, there being two for each court. Jury box No. 1 for each court shall be filled and delivered to the judge of probate by the first Monday in June, 1907. The names of 2000 persons subject to jury duty, competent in the opinion of the commission shall be listed and a roll made of their names; the names to be transcribed upon separate slips, one name on each; these slips to be folded and placed in a common receptacle, from which shall be drawn by lot, one at a time, one thousand names which shall be deposited in the jury jury box No. — of the circuit court, the other thousand then be locked, sealed up and delivered to the judge of probate, who shall be custodian thereof.

The clerk must prepare an alphabetical list of the names deposited in each box in a well bound book, which becomes a record of the office of the probate judge.

It is proposed to provide in said section, in substance that within six months thereafter said commission must place in jury box No. 2 for each court one thousand names, in the same manner of box No. 1 for each court was filled, excepting that no name contained in either of boxes No. 1 shall be placed in either of boxes No. 2.

Section 4, as proposed, provides, in substance that twenty days before any regular or special term of either court the judge of probate must call the commissioners together and draw such grand juries as may be necessary, and petit juries for the first two trial or jury weeks of the term, of which drawing three days notice must be given the public. The commissioners meet and

one of their number draws from the appropriate jury box 100 names, from which 24 shall be selected to serve as grand jurors, those not selected being returned to the box. From the twenty-four names the court must empanel a grand jury of at least 15. Should the number appearing in court or by reason of excuse, etc., be less than 15, the court shall order the clerk to draw from the proper jury box a necessary number, and those drawn and not empanelled are returned to the box.

After the commissioners draw the grand jury, they draw a petit jury of thirty-six names for the first jury week, and thirty-six names for the second jury week. If for any cause the number of petit jurors empanelled is reduced below 32 the court may order the clerk to draw in open court the proper number to complete the jury, the court may only empanel, it is proposed, the necessary number of jurors for the business of the week in his discretion.

Said section, as proposed, provides for the summoning of all jurors drawn, and the delivery of their names to the clerk of the court.

Section 5, as proposed, provides in substance for requiring the judges of the courts to draw jurors from the proper box through the balance of the then term of his court, such drawings to be had in open court, and the names of the persons drawn to be entered on the minutes of the court.

Said section also, as proposed, provides in substance for the summoning of the persons so drawn and the return of the boxes to the judge of probate.

Section 6, as proposed, provides in substance for the preservation of the slips drawn and the return of same to the proper box of those who failed to appear or serve, providing that if the court ascertains by examination, under oath, any person should not serve, he may order the destruction of such slip. The slips containing the names of those who appear and serve are destroyed in open court. If any slips are lost the same may be replaced by others, in open court, containing the same name.

Section 7, as proposed, provides in substance for the empanelling of juries according to the general laws of the State, but that nothing in the service of the summons shall be ground to quash the venire, though if the wrong person be summoned it is cause of challenge. No person can be challenged because he is not a householder or freeholder, and in all felonies, except capital felonies, the defendant is entitled to ten and the State to six challenges, and in misdemeanors the defendant shall have five and the State three challenges.

Section 8, as proposed, provides in substance, when persons are tried in capital cases, in addition to the original jurors drawn for the week, the court shall order the drawing of not less than 14, or more than 64 to be drawn in open court from the box in use, the slips being preserved by the clerk, those not serving being returned to the box.

Said section also provides in substance for the service of a copy of the indictment and list of jurors drawn, upon the accused. Also for the completion of a jury in the event the first or subsequent venires are insufficient, and the drawing of additional names in open court. The slips on which the names of such persons appear are treated in manner like those originally drawn. The defendant shall have fifteen and the State ten peremptory challenges, and the slips containing the names of persons not empanelled are to be returned to the proper box.

Section 9, as proposed, provides in substance that in the trial of issues in the probate court requiring a jury the judge of probate draws in the presence of two commissioners twenty-four names, and if a sufficient number are not empanelled to try the case, for the further drawing of jurors in open court.

Section 10, as proposed, provides in substance that juries shall be drawn from boxes No. 1 in the respective courts until the same are exhausted, and then drawings must be made from boxes No. 2 of the respective courts until they exhaust, when boxes No. 1 will be used again.

Section 11, as proposed, provides in substance when the commissioners ascertain there are less than 100 names in any box, they shall at once proceed to refill

both the boxes of that number in the manner provided in the first instance, except that no name in a box of another number shall be used. The commissioners shall have power to go into the box to ascertain the number remaining therein.

Section 12, as proposed, will in substance provide that the direction as to selection, drawing and summoning of all jurors shall be construed as directory, and juries drawn in substantial compliance with law shall act, but in so far as any duty is imposed upon any person or court, the provisions are mandatory.

Section 13, as proposed, in substance provides if the boxes appear to have been tampered with it shall be the duty of the commissioners to at once refill the box, and make it a felony to tamper with the jury box.

Section 14, as proposed, provides in substance that the act takes effect from its passage. All jury laws and amendments of Mobile county cease to be effective upon the drawing of the first jury under this act.

Section 15, as proposed, provides in substance the present commissioners hold office until their present term expires, when the governor will appoint their successors.

Section 16, as proposed, provides in substance for the general conflicting of laws.

The Daily Herald,  
per Thomas B. Allmon.

Subscribed and sworn to before me, this the 10th day  
of Jan. A. D., 1907.

(Signed) Jas. A. Shelton,  
Clerk of the City Court of Mobile.  
Cyrus B. Brown,  
Clerk.

#### HOUSE MESSAGE.

The House bills in the foregoing House message were severally read once and referred to appropriate committees, as follows:

H. 107, to Agriculture.

H. 499, 407, 515, 115, 158, to Local Legislation.

## MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bill and have ordered same sent forthwith to the Senate without engrossment:

H. 620. To amend an act entitled "An act to amend section eleven of an act to declare the power and jurisdiction of the city court of Gadsden, in Etowah county, approved October the 1st, 1903.

And sends same herewith to the Senate with notice and proof attached and herewith exhibited as follows:

The State of Alabama, }  
Etowah County. }

Before me, Jas. T. Brooks, clerk of the city court of Gadsden, personally appeared A. W. McCullough, general manager for the Evening Journal, who being sworn doth depose and say, that of his knowledge the notice hereto attached was published in the Evening Journal, a newspaper published in Etowah county, for four consecutive weeks, beginning on the 29th day of December, 1906, and continuing for more than twenty-one days prior to the making of this affidavit.

(Signed) A. W. McCullough,  
Manager for Evening Journal.

Subscribed and sworn to before me, on this the 22nd day of Jan. 1907.

(Signed) Jas. T. Brooks,  
Clerk of City Court of Gadsden.

## NOTICE.

A bill will be introduced in the coming session of the Legislature of Alabama to amend an act entitled "An act to amend section eleven of an act entitled an act to declare the power and jurisdiction of the city court of Gadsden, in Etowah county," approved October 1st, 1903, by fixing the salary of the solicitor of the county of Etowah at eighteen hundred dollars per annum. This December 29th, 1906.



And has originated and passed the following bill and has ordered same sent forthwith to the Senate without engrossment:

H. 254. To amend an act to provide for clerical help in the State treasurer's office, approved March 4, 1903.

And sends the same herewith to the Senate.

Cyrus B. Brown,  
Clerk.

#### HOUSE MESSAGE.

The House bills in the foregoing House message were severally read once and referred to appropriate standing committees, as follows:

H. 620, to Local Legislation.

H. 254, to Finance and Taxation.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has passed the following Senate bill:

S. 141. To authorize the sale and transfer by the quarantine board of Mobile bay of its site, plant, property and equipment, and to cede jurisdiction over the said quarantine site to the United States.

Cyrus B. Brown,  
Clerk.

#### THIRD READING RESUMED.

The bill:

H. 568. To amend sections one and two of an act entitled an act to regulate the volunteer military forces of the State of Alabama, approved February 23, 1899.

Was read a third time, at length and passed.

Yeas, 25; nays, 0.

Yeas:

Messrs:

Barbour	Hayes	Miller	Spragins
Blackmon	King	Moody	Strother
Forrester	Leith	Overton	Teasley
Glenn	Lowe	Reese	Thomas
Gunn	Lusk	Reid	White
Hamburger	Merritt	Reynolds	Wilson
Hamner			

The bill:

S. 185. To amend an act establishing the Blocton public school district in Bibb county, Alabama, approved February 28th, 1887.

Was read a third time, at length and passed.

Yeas, 28; nays, 0.

Yeas:

Messrs:

Barbour	Hamner	Lowe	Reese
Doster	Hayes	Lusk	Reid
Forrester	Heacock	Merritt	Reynolds
Gardner	Hinson	Miller	Spragins
Glenn	Jones	Moody	Strother
Gunn	King	McWhorter	Thomas
Hamburger	Leith	Overton	Wilson

—28.

The bill:

S. 43. To regulate railroads and other common carriers in this State, to secure reasonable rates and adequate service, and prevent unjust discrimination in their public service, and prescribe penalties for violation thereof.

The following substitute for said bill offered by the committee, to-wit:

#### A BILL

To be entitled an act to regulate railroads and other common carriers in this State; to secure reasonable rates and adequate service, and prevent unjust discrimination in their public service, and prescribe penalties for violation thereof.

Section 1. Be it enacted by the Legislature of Alabama, That all railroads heretofore constructed or which may be hereafter constructed in this State are hereby declared public highways, and all railroad companies, or other companies, corporations, or individuals engaged in the transportation of persons or freight over railroads for hire are hereby declared common carriers.

Section 2. Every common carrier as defined in the preceding section shall print in plain type and file with

the railroad commission, within a time to be fixed by said commission, schedules, which shall open to public inspection, showing all rates, fares and charges for the transportation of passengers or property, and any service in connection therewith, which it has established, and which are in force at the time between all points in this State upon its line and any line controlled or operated by it. The schedule printed as aforesaid shall plainly state the places upon its line or any line controlled or operated by it in this State, between which passengers and property will be carried, and there shall be filed therewith the classification of freight in force. Every common carrier shall publish with and as part of such schedule all rules and regulations that in any manner affect the rates, charged, or to be charged for the transportation of persons or property; also its charges for delay, loading or unloading cars, for track and car service, or rental, and for demurrage, switching, terminal, or transfer service, or for rendering any other service in connection with the transportation of persons or property. Two copies of such schedules shall be filed and kept on file for the use of the public and posted in a conspicuous place in every depot, station and office of such common carrier where passengers or freight are received for transportation, in such form and place as to be accessible to the public and conveniently inspected. When passengers or property are transported over connecting lines in this State, operated by more than one company or association, and the several companies operating such lines establish joint rates, fares and charges, a schedule of joint rates shall also in like manner be printed and filed with the commission, and filed and posted in a conspicuous place in every depot, station and office of such railroads or other common carrier where such passengers or property are received for transportation. All freight tariffs issued by any such carriers relating to the inter-state traffic in this State shall be filed in the office of the railroad commission within thirty days after the passage and publication of this act, and all such tariffs hereafter issued shall be filed with the commission when issued.

Section 3. No change shall hereafter be made in any schedule, including schedule of joint rates, or in any classifications, except after ten day's notice to the railroad commission and approved by it, and all such changes shall be plainly indicated upon existing schedules, or by filing new schedules in lieu thereof ten days prior to the time the same are to take effect, provided that the railroad commission upon application by any railroad, may prescribe a less time within which a reduction may be made. Copies of all new schedules shall be filed and posted as hereinbefore provided, in every depot station and office, of such railroad in this State, ten days prior to the time the same are to take effect, unless the commission shall prescribe a less time.

Section 4. Whenever a change is made in any existing schedule, including schedule of joint rates, the notice shall be posted by the common carrier in a conspicuous place in every depot, station and office stating that changes have been made in the schedule on file, specifying the class or commodity effected and the date when the same will take effect.

Section 5. It shall be unlawful for any railroad to charge, demand or receive a greater or less compensation for the transportation of passengers or property, or for any service in connection therewith, than is specified in such printed schedules, including schedules of joint rates, as may at the time be in force, except as provided by law or the railroad commission and the rates, fares and charges made therein shall be the lawful rates when approved by the railroad commission, but the commission may prescribe such changes in the form in which the schedules are issued by the railroads, as may be found expedient.

Section 6. Every railroad operated in this State, shall file with the railroad commission within the time to be fixed by the commission, copies of all contracts which relate to the transportation of persons, or property or any service in connection therewith, made or entered into by it with any railroad company, car company, or equipment company, express or other transportation company.

Section 7. Every railroad shall on or before the first day of September, in each year, and oftener if required by the railroad commission, file with the commission a verified list of all railroad tickets, passenger or mileage tickets issued free or for actual bona fide money consideration at full established rates, during the preceding year ending June 30th, together with the names of the recipients thereof, the amounts received therefor and the reason for issuing the same. This provision shall not apply to the sale of tickets at reduced rates authorized by the law or rates open to the public nor to tickets, passes or mileage books issued prior to the passage of this act.

Section 8. If any railroad or any agent or officer shall directly or indirectly or by special rates rebate, draw back or by means of false billing, false classifications, false name, false reports, or weights, or by any other device whatever, charge, demand, collect or receive from any person, firm, company or corporation a greater or less compensation for any service rendered or to be rendered by it for the transportation of persons or property or for any service in connection than that prescribed in the public tariffs, or than it charges, demands, collects or receives from any person, firm, company or corporation for a like service, such railroads shall be deemed guilty of unjust discrimination, which is hereby prohibited and declared to be unlawful and shall forfeit to the State of Alabama, and pay into the State treasury not less than one hundred dollars nor more than ten thousand dollars for each offense.

Section 9. It shall be unlawful for any railroad to demand, charge, collect or receive from any person, firm, or corporation a less compensation for the transportation of property, or for any services rendered, or to be rendered by said railroad in consideration of said person, firm, or corporation, furnishing any part of the facilities incident thereto.

Section 10. Whenever passengers or property are transported over two or more connecting lines of railroad between points in this State, and the railroad companies have made joint rates for the transportation of

same, such rates, and all charges in connection therewith, shall be just and reasonable and every unjust and unreasonable charge is prohibited and declared to be unlawful, provided that a less charge by each of said railroads for its proportion of such joint rates than is made locally between the same points on their respective lines shall not for that reason be construed as a violation of the provisions of this act nor render such railroads liable to any of the penalties thereof.

Section 11. Nothing in this act shall be construed to prevent concentration, commodity, transit and other special contract rates, but all such rates shall be open to all shippers for a like kind of traffic under similar circumstances and conditions, and shall be subject to the provisions of this act as to the printing and filing of the same; provided, all such rates shall be under the supervision and regulation of the railroad commission.

Section 12. Where two or more railroad companies have roads running to or through the same town or city, or near enough thereto to receive freight traffic from said town or city, it shall be the duty of said companies, when required by an order of the railroad commission, to make and maintain a physical connection between their respective tracks, where the tracks are of the same gauge, at such point, in or near said town or city, as the commission shall require, so that cars may be transferred from one road to the other, and there may be an interchange of traffic between them, where such connection, in the judgment of the railroad commission, is reasonably practicable and can be put in with safety and will furnish sufficient business to justify the construction and maintenance of the same, where rights-of-ways can be obtained, by condemnation or otherwise, on terms deemed reasonable by the railroad commission. And it shall be the duty of each company to afford reasonable and proper facilities for such interchange of traffic the one with the other.

Section 13. It shall be the duty of every common carrier operating a railroad subject to the provisions of this act, and the railroad commission shall have authority to require such carrier, upon the application of any other

railroad, or of any shipper tendering freight traffic for transportation, made either to the commission or to said common carrier, to construct, maintain and operate upon reasonable terms, a switch connection with such other railroad or with any private side-track which may be constructed to connect with its railroad, where such connection, in the judgment of the railroad commission, is reasonably practicable and can be put in with safety, and will furnish sufficient business to justify the construction and maintenance of the same; and to furnish cars for the movement of such traffic to the best of its ability without discrimination in favor of or against any shipper.

Section 14. All common carriers subject to the provisions of this act shall provide at all points of connection, crossing or intersection at grade, where it is practicable and necessary, for the interests of traffic, ample facilities by track connection for transferring cars used in the regular business of their respective lines of road from their lines or tracks to those of any other common carrier, whose lines or tracks may connect with, cross or intersect their own, and shall provide equal and reasonable facilities for the interchange of cars and traffic between their respective lines and for the receiving, forwarding and delivering of passengers, property and cars to and from their several lines and those of other common carriers connecting therewith, and shall not discriminate in their rates or charges between such connecting lines or on freight coming over such lines, but this shall not be construed as requiring any common carrier to furnish for any other common carrier its track equipment or terminal facilities without reasonable compensation. Each of said connecting lines shall pay its proportionate share for the building and maintenance of such track, and switches as may be necessary to furnish the transfer facilities required in this section.

Section 15. All railroads shall afford all reasonable and proper facilities for the interchange of traffic between their respective lines for forwarding and delivering passengers and property and shall transfer and

switch for a reasonable compensation and deliver without unreasonable delay or discrimination any freight or cars, loaded or empty destined to any point on its tracks or any connecting line provided that precedence over other freight shall be given to live stock and perishable freight.

Section 16. Every railroad shall, when within its power so to do, and upon reasonable notice, furnish suitable cars for any and all persons who may apply therefor, for the transportation for any and all kinds of freight in carload lots, when the owner, manager or shipper of any freight, of any description shall make application in writing to any superintendent, agent or other person in charge of transportation of any railway company or receiver or trustee, operating any railroad at the points where the cars are desired upon which to ship any freight, or point nearest thereto, if there be no such agent at such point, it shall be the duty of such railroad company, receiver, trustee or other person in charge thereof, provided there is a station or side track or spur track, at said point, to supply the number of cars so required within such reasonable time thereafter, as may be prescribed by the orders and rules of the railroad commission pertaining to car service, provided in case of insufficiency of cars at any time, to meet all requirements, such cars as are available shall be distributed among the several applicants therefor in proportion to their respective immediate requirements without discrimination between shippers or competitive or non-competitive places, provided further that preference may be given shippers of live stock and perishable property.

Section 17. If any railroad company or other common carrier shall directly or indirectly make or give any unreasonable or undue preference or advantage to any particular person, firm, corporation or locality, or subject any particular person, firm, corporation or locality to any undue or unreasonable prejudice or disadvantage, in any respect whatsoever, such railroad shall be deemed guilty of unjust discrimination which is hereby prohibited and declared unlawful, and shall forfeit to the State and pay into the State treasury not less than five



hundred dollars nor more than five thousand dollars for each and every offense.

Section 18. It shall be unlawful for any person, firm or corporation knowingly to accept or receive any rebate, concession or discrimination in respect to transportation wholly within the State of any property or for any services in connection therewith whereby any such property shall by any device whatsoever be transported at a less rate than that named in the published tariff in force as provided herein, or whereby any service or advantage received other than is provided by law. Any person, firm or corporation knowingly violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars nor more than one thousand dollars for each offense.

Section 19. It shall be the duty of every railroad company subject to the provisions of this act, and the railroad commission may require it, to provide and maintain adequate depots, and depot buildings at its regular stations for the accommodation of passengers, together with a sufficient force of employees at each of said depots to transmit efficiently the traffic thereat, and to maintain a ticket office at each of said depots for the sale of tickets, and said depot buildings shall be kept clean, well lighted and warm with such other reasonable comforts, necessities and conveniences as may be prescribed by the railroad commission for the comfort and accommodation of the traveling public. All railroads shall keep and maintain adequate and suitable depots, buildings, switches and sidetracks for the receiving, handling and delivering of freight transported or to be transported by such railroads, provided that this shall not be construed as repealing any existing law on the subject not in conflict therewith.

Section 20. Every railroad in this State on the order of the railroad commission is required to provide, construct and maintain adequate depots and depot buildings for the accommodation of passengers and for receiving and handling freight when public necessity demands it and the revenue received at such point will be suffic-

ient to justify it together with a sufficient force of employees at each said depots to transact efficiently the business and traffic thereat.

Section 21. Every railroad in this State is required to construct and maintain spur tracks and side tracks for industries already established under such reasonable rules and orders as may be made by the commission.

Section 22. Any two or more railroads which now may hereafter enter any city or town are hereby required when practicable or when the necessities of the case, in the judgment of the railroad commission demand it, to have and maintain one common or union passenger depot for the security, accommodation and convenience of the traveling public, and to unite in the joint undertaking and expense of erecting, constructing and maintaining such union passenger depot commensurate with the business and revenue of such railroad companies or corporation, on such terms, regulations, provisions and conditions, as the railroad commission may prescribe.

Section 23. All railroad companies shall on demand issue duplicate freight receipts to shippers, in which shall be stated the class or classes of freight shipped and the rate to the point of destination, and aggregate charge made for the transportation.

Section 24. Every railroad or other common carrier subject to the provisions of this act, its agents or officers, whose duty it is to receive freight, shall receive all articles of the nature and kind received by said company for transportation whenever tendered at a regular depot, or station at proper hours, and in good shipping condition, according to reasonable rules prescribed by law of the railroad commission, and every loaded car tendered at its sidetrack or any warehouse connected with the railroad by a siding and shall forward the same, without delay and within a reasonable time to the point of destination, under and in compliance with such reasonable rules, regulations and requirements as may be prescribed by the railroad commission or by law. Upon the failure of any such railroad company, or other common carrier doing business in this State to transport goods, merchandise or property of any description delivered to it for

shipment to and from any points within the State in such reasonable time as the railroad commission or law may prescribe, unless otherwise agreed upon between the company and the shipper, or unless such property be burned, stolen or otherwise destroyed, such railroad company or other common carrier shall forfeit to the party aggrieved such sum as may now or hereafter be prescribed by law for such delay and in addition shall be liable to the party aggrieved for such damages as he may sustain by reason of said delay.

Sec. 25. All common carriers doing business in this State shall settle their freight charges according to the rate stipulated in the bill of lading provided the rate stipulated therein be in conformity with the classifications and rates made and filed with the inter state commerce commission in case of shipment from without the State, and with those filed with or established or approved by the railroad commission of this State or those established by statute in case of shipments wholly within this State, by which classifications and rates all consignees shall in all cases be entitled to settle freight charges with such carriers and it shall be the duty of such common carriers to inform any consignee or consignees of the correct amount due for freight according to such classification and rate, and upon payment or tender of the amount due, according to such classification and rates, on any shipment, which has arrived at its destination, such carrier shall deliver the freight in question to the consignee.

Sec. 26. Whenever any freight of any kind shall be received by any common carrier in this State to be delivered to any consignee within this State, and a portion of the same shall not have been received at the place of destination, it shall be unlawful for the carrier to demand any part of the charges for freight or transportation due for such portion of the shipment as shall not have arrived at the place of destination. The carrier shall be required to deliver to the consignee such portion of the consignments as shall have been received upon the payment or tender of the freight charges due upon such portion, but nothing in this act shall be construed as interfering with or depriving a consignor or other

person having authority of his rights of stoppage in transit.

Sec. 27. This act shall not deprive any consignee of any rights or remedies now existing against common carriers in regard to freight charges or claims for loss or damage to freight but shall be deemed and held as creating an additional liability upon said common carrier.

Sec. 28. In case of any overcharge on published or lawful rates, the person aggrieved may file with any agent of the company, collecting or receiving greater compensation than the lawful rate, a written demand, supported by a paid freight bill, or duplicate thereof, for refund of overcharge, and a maximum period of sixty days from date of filing shall be allowed such company to pay claim filed under this section.

Sec. 29. Any company failing to refund such overcharges within the time allowed in the preceding section shall forfeit to the party aggrieved the sum of one dollar for each days delay in paying or satisfying said claim beyond the time allowed. until such claim is paid, provided the total forfeiture shall not exceed one hundred dollars. Cause of action for the recovery of the overcharge and the penalties provided may be embraced in the same complaint.

Sec. 30. Nothing in this act shall prevent the carriage, storage or handling of property free or at reduced rates for the United States, the State or any municipality or for charitable purpose, or to or from fairs and expositions, for exhibition thereat, or properties shipped by employees for their own exclusive use or consumption, or that of their immediate families, or for the issuance of excursions, mileage, or commutation tickets, provided the same shall be obtained by all the persons applying therefor under like circumstances and conditions. This act shall not prevent the railroad from giving free transportation or reduced rates therefor, to any person authorized by law, to receive such free transportation, or reduced rates therefor, or to prevent the exchange of passes with officers and employees of other railroads and immediate members of their families.

Upon the shipment of live stock or other property, requiring the care of an attendant, the railroad may furnish transportation, including return passage to the shipper or some person or persons designated by him.

Sec. 31. If any railroad company or other common carrier subject to the provisions of this act shall do or cause to be done or permit to be done any matter, act or thing in this act prohibited, or declared to be unlawful or shall omit to do any act, matter or thing required to be done by it, or shall fail or refuse to perform any duty enjoined upon it for which a penalty has not been provided, or shall, neglect, refuse or obey any lawful requirement or order of the railroad commission for which a penalty has not been provided for every such violation, failure or refusal such common carrier shall forfeit to the State and pay into the State treasury a sum not less than one hundred dollars, and not more than ten thousand dollars for each offense. In construing and enforcing the provisions of this section, the act, the omission or failure of any officer, agent or other person acting for or employed by any common carrier, while acting within the scope of his employment, shall in every case be deemed to be the act or omission or failure of such common carrier and in addition to the penalties herein provided, such common carrier shall, for each violation, be liable to the person, firm or corporation injured thereby in treble the amount of damages incurred in consequence.

Sec. 32. The railroad commission of Alabama shall have authority and it is hereby made its duty to enforce by appropriate orders and by legal proceedings instituted by it, all the provisions of this act, and all the provisions of all laws, enacted for the purpose of regulating railroads and other transportation companies, or for the purpose of prescribing the duties of such companies.

Sec. 33. If any section or provision of this act shall for any reason be, or be held by any court of competent jurisdiction and of final resort to be invalid, inoperative or void, the residue of the act shall not be thereby invalidated or affected.

Sec. 34. That all laws and parts of laws in conflict or inconsistent with this act or any provision thereof, be and the same are hereby repealed.

Was taken up.

Mr. Lusk offered the following amendment to said substitute:

"Amend by adding the following section at the end thereof:

"Section 35. Be it further enacted that this act shall go into effect immediately after its passage and approval."

Which was adopted.

Yeas, 29; nays, 0.

Yeas:

Messrs:

Barbour	Hamburger	Lowe	Reid
Blackmon	Hamner	Lusk	Reynolds
Davis	Hayes	Merritt	Spragins
Doster	Heacock	Miller	Strother
Forrester	Hinson	McWhorter	Thomas
Gardner	Jones	Overton	White
Glenn	Leitch	Reese	Wilson
Gunn			

—29.

And said substitute as thus amended, was adopted.

Yeas, 28; nays, 0.

Yeas:

Messrs:

Barbour	Gunn	Lowe	Reid
Blackmon	Hamburger	Lusk	Reynolds
Davis	Hamner	Merritt	Spragins
Doster	Hayes	Miller	Strother
Forrester	Hinson	Moody	Thomas
Gardner	Jones	Overton	White
Glenn	King	Reese	Wilson

—28.

And said bill as thus amended was read a third time at length and passed.

Yeas, 27; nays, 0.

Yeas:

Messrs:

Barbour	Gunn	Lusk	Reynolds
Blackmon	Hamburger	Merritt	Spragins
Davis	Hamner	Miller	Strother
Doster	Hayes	Moody	Thomas
Forrester	Heacock	McWhorter	White
Gardner	Leith	Reese	Wilson
Glenn	Lowe	Reid	

—27.

The bill:

H. 29. To amend section 3841 of the code.

Was taken up.

Mr. Lusk offered the following amendment to said bill:

Amend by adding to the bill: "And the salaries of the circuit judges and chancellors shall be three thousand dollars per annum payable in the same manner and time."

And,

"Amend further by inserting in the caption the words, "Circuit judges and chancellors."

Mr. Gunn moved to table the amendment offered by Mr. Lusk.

Which was lost.

Yeas, 10; nays, 16.

Yeas:

Messrs:

Forrester	Heacock	Miller	Reynolds
Gunn	Hinson	Reese	Thomas
Hayes	King		

—10.

Nays:

Messrs:

Barbour	Glenn	Leith	Reid
Blackmon	Hamburger	Lowe	Spragins
Davis	Hamner	Lusk	Strother
Doster	Jones	Merritt	Wilson

—16.

Mr. Reese moved to indefinitely postpone action on the amendment offered by Mr. Lusk. Pending the consideration of said motion.

#### ADJOURNMENT.

At 6 o'clock p. m., on motion of Mr. Blackmon, the Senate adjourned until 10:30 o'clock tomorrow morning.

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#### TWENTY-THIRD DAY.

Saturday, February 9, 1907.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Price of the House of Representatives.

#### ROLL CALL.

Mr. President and  
Messrs:

Barbour	Hamner	Lowe	Reid
Bayles	Hayes	Lusk	Reynolds
Blackmon	Heacock	Merritt	Spragins
Davis	Hinson	Miller	Strother
Doster	Horton	Moody	Teasley
Forrester	Jones	McWhorter	Thomas
Gardner	King	Overton	White
Glenn	Leith	Reese	Wilson
Gunn			

—33.

#### JOURNAL.

On motion of Mr. Wilson the reading of the journal of yesterday was dispensed with and the same was approved.



## INTRODUCTION OF BILLS.

On the call of the districts, bills were introduced, read and referred to appropriate standing committees, as follows:

By Mr. Miller:

S. 287. To provide for the incorporation, organization and government of cities and towns in the State of Alabama, and to define their powers, duties, liabilities and jurisdiction.

By Mr. Miller:

S. 288. To constitute and establish that certain subway, now in course of construction and completion, under authority of an ordinance of the city of Birmingham, Alabama, and extending underneath twenty-sixth street, north, and twenty-seventh street, north, in the city of Birmingham, Alabama, and between the western boundary line of said Twenty-sixth street, north, and the eastern boundary line of Twenty-seventh street, north, as a part of Fifth avenue, in said city, in lieu of all that part of Fifth avenue, as heretofore constituted and established, lying over and above and outside of said subway, and between the said Twenty-sixth and Twenty-seventh street, and which is abandoned and discontinued as a public street, or highway.

Local Legislation.

With notice and proof, as follows:

The State of Alabama, }  
Jefferson County. }

Before me, L. A. Keene, a notary public in and for said State and county, personally appeared J. L. McRae, who being first duly sworn, deposes and says: That he is business manager of the Age-Herald Publishing Company, which publishes the Age-Herald, a daily newspaper, in the city of Birmingham, in said State and county; that he knows the contents of the notice herein below set forth, as follows:

## NOTICE.

Application will be made to the next Legislature of Alabama for the passage of a bill in substance or effect as follows, namely:

## A BILL

To be entitled an act to constitute and establish that certain subway, now in course of construction and completion, under authority of an ordinance of the city of Birmingham, Ala., and extending underneath Twenty-sixth street, north, and Twenty-seventh street, north, in the city of Birmingham, Ala., and between the western boundary line of said Twenty-sixth street, north, and the eastern boundary line of Twenty-seventh street, north, as a part of Fifth avenue, in said city, in lieu of all that part of Fifth avenue as heretofore constituted and established lying over and above and outside of said subway, and between the said Twenty-sixth and Twenty-seventh streets, and which is abandoned and discontinued as a public street, or highway.

Section 1. Be it enacted by the Legislature of Alabama, That the certain subway, now in course of construction and completion, under the authority of ordinance No. 7 of the city of Birmingham, Ala., entitled, "An ordinance granting to the Birmingham Terminal company certain rights and franchises," and extending underneath Twenty-sixth street, north, and Twenty-seventh street, north, in the said city of Birmingham, Ala., and between the western boundary line of said Twenty-sixth street, north, and the eastern boundary line of Twenty-seventh street, north, be and the same is hereby constituted and established as a part of Fifth avenue, in said city, in lieu of and as a substitute for all that part of Fifth avenue as heretofore constituted, established and used as a public highway, lying over and above and outside of said subway, and between the Twenty-sixth and Twentyseventh streets.

Sec. 2. That all that part of said Fifth avenue lying over and above and outside of said subway, and extending between the eastern boundary line of Twenty-sixth street, north, and the eastern boundary line of Twenty-seventh street, north, in said city, be and the same is hereby discontinued and abandoned for use as a public street, or public highway; but nothing herein contained shall prevent the city of Birmingham from authorizing the use of that part of said Fifth avenue herein discontinued and abandoned outside of said subway for the public purpose of the erection and maintenance of a union railroad passenger depot, or station, as provided for in and by said ordinance of said city.

Sec. 3. That nothing herein contained shall have the effect to deprive any person or corporation of any right to compensation under the constitution and laws of Alabama for property taken, injured or destroyed.  
12-27-thu-4t.

And that the said notice was published, without cost to the State, in the county aforesaid, once a week for four consecutive weeks. The first notice appearing in the issue of said paper on Thursday, December 27th, 1906, the second notice in the issue of said newspaper, January 3rd, 1907, the third notice in the issue of said newspaper on Thursday, January 10th, 1907, and the fourth notice in the issue of said newspaper on Thursday, January 17th, 1907.

J. L. McRae,

Subscribed and sworn to before me, this 7t day of February, 1907.

L. A. Keene, Notary Public.

By Mr. Reynolds:

S. 289. Declining on the part of the State of Alabama to accept for the purpose of establishing an industrial school for indigent white girls and young ladies of the State, that certain property in Marion, Perry county, Alabama, formerly known as Howard col-

lege, and now used and known as the Marion Military Institute.

Local Legislation.

With notice and proof as follows:

The State of Alabama, }  
Perry County. }

Before the undersigned judge of probate personally appeared C. H. Green who being sworn, deposes and says that he is the editor of the Marion Standard, a newspaper published in the town of Marion, said State, and that the above notice hereto attached was published in said newspaper for four successive weeks, beginning on the 17th day of January, 1907.

Chas. H. Green.

Sworn to and subscribed before me this the 7th day of February, 1907.

J. B. Shivers, Judge of Probate.

#### NOTICE OF SPECIAL ACT.

Notice is hereby given that the undersigned will apply to the Legislature of Alabama at its present, (1907) session, for the passage of an act declining on the part of the State of Alabama, to accept for the purpose of establishing an industrial school for indigent white girls and young ladies of the State, that certain property in Marion, Perry county, Alabama, formerly known as Howard College, and now used and known as Marion Military Institute, and particularly described in a certain deed of dedication executed by Wm. W. Wilkerson and wife and Jesse B. Lovelace and wife on the 3rd day of February, 1888.

This January 16th, 1907.

R. F. Ellis,  
L. L. Lee,  
J. T. Murfee,  
T. G. Bush,  
O. M. Reynolds,  
W. H. Lovelace,  
H. O. Murfee,

Trustees Marion Military Institute.

By Mr. Teasley :

S. 290. To authorize any corporation to employ a detective for the preservation and protection of the property of such corporation.

Corporations.

By Mr. Teasley :

S. 291. To regulate sales of stocks of merchandise in bulk, or portions thereof, otherwise than in the ordinary course of trade, and to punish violations of the same.

Judiciary.

By Mr. Miller :

S. 292. To authorize the chief justice to appoint a secretary and an assistant secretary for the supreme court, and to fix their compensation and make appropriations therefor.

Finance and Taxation.

By Mr. Miller :

S. 293. To fix the salary of the marshal and librarian of the supreme court, and to make appropriation therefor.

Finance and Taxation.

By Mr. Miller :

S. 294. To fix the compensation of the several state executive officers, officers of departments and boards, subordinate officers, clerks, watchmen, and capitol servants, and to make appropriations therefor.

Finance and Taxation.

#### REPORT OF SPECIAL COMMITTEE.

Mr. President :

Your committee to investigate the matter of salaries of the executive officers of this State and of the clerks and employes in the various offices and departments, after careful examination have found that the salaries and compensations now paid to such officers, clerks and employees in many cases are not adequate and fair, and commensurate with their duties, labors and responsibilities and in the cases of some of the employees they are not commensurate with the reasonable cost of living.

Therefore we have drawn three bills for the purpose of fixing the salaries and compensations at figures that are adequate and fair and commensurate with the duties and responsibilities and with the reasonable cost of living. These bills we present along with this report and numbered S. 292, 293 and 294.

Nathan L. Miller.

#### REPORTS OF COMMITTEES.

The following bills were returned to the Senate from committees; each having been acted upon by the respective standing committees in session as, in each case, stated below, and were read a second time and placed on the calendar to wit:

By Mr. Bayles from Committee on Revision of Laws. Favorably.

S. 211. To amend section 4722 of the code of 1896.

Also,

S. 255. To amend section 1883 (2885) (3182, 5005) (2840, 3532) (2425, 3061) of the code of Alabama.

By Mr. Strother from Committee on Municipalities and Municipal Organizations. Favorably, (with an amendment.):

S. 234. To further regulate municipal corporations, to confer additional rights, power and authority, and the same to prescribe the manner in which such rights, powers and authority may be acquired and conferred, and to provide the manner in which charters for such corporations may be obtained and amended.

By Mr. McWhorter from the Committee on Temperance. Favorably:

H. 321. To prohibit the sale, barter, exchange or other disposition of spirituous, vinous, or malt liquors or intoxicating beverages, tonics or decoctions within the limits of Faunsdale Precinct in Marengo county, Alabama, except at the dispensary in the town of Faunsdale.

Also,

H. 287. To repeal an act entitled an act to establish and maintain a dispensary for Searight, in the county of Crenshaw, in the State of Alabama, for the purpose of selling spirituous, vinous and malt liquors, and wine, and to punish all violations of the provisions of this act.

Also,

H. 95. Prohibiting the sale or giving away of spirituous, vinous or malt liquors, or intoxicating beverages within two miles of the corporate limits of the town of River Fall, in Covington county, Alabama, except that portion of said territory which lies within the corporate limits of the town of Andalusia.

Also,

H. 498. To prohibit the sale, barter, exchange, giving away, lending, delivering or otherwise disposing of spirituous or malt liquors, intoxicating beverages, bitters or proprietary medicines in Lamar county, Alabama, and to prohibit the shipping into said county, by any common carrier, and the bringing into said county by any person for the use of any other person than himself, any such spirituous, vinous or malt liquors intoxicating beverages, or intoxicating bitters, or intoxicating proprietary medicines, from any place within this State, and to prohibit the procuring for another, or the taking or soliciting or receiving of orders for spirituous vinous or malt liquors, intoxicating beverages, intoxicating bitters, or intoxicating proprietary medicines in said county, and to prohibit the giving of orders for spirituous, vinous, or malt liquors, intoxicating beverages, or intoxicating proprietary medicines in said county and to prohibit the giving of orders for spirituous, vinous or malt liquors, intoxicating beverages, or intoxicating bitters, or intoxicating proprietary medicines by any person in said county over any telegraph or telephone line, and to prohibit the receiving or sending by any telegraph or telephone company in said county of any order for spirituous, vinous or malt liquors, intoxicating beverages, intoxicating bitters, or intoxicating proprietary medicines, to any point within this State,

and to provide penalties for all such prohibited acts, and to repeal all laws in conflict herewith.

Also,

H. 410. To prevent the selling, giving away, or otherwise disposing of spirituous, vinous and malt liquors and other intoxicating liquors in Pike county, otherwise than by dispensaries in the cities of Troy and Brundidge. To provide for and make efficient such dispensaries, and to prescribe penalties for the violations of this act.

Also,

H. 397. To establish a dispensary in and for the town of Thomaston, in the county of Marengo, State of Alabama, and to provide for the conduct and regulation of the same.

Also,

H. 290. To further regulate the sale, giving away or otherwise disposing of spirituous, vinous or malt liquors, intoxicating bitters or cordials or fruits preserved in alcoholic liquors in Fayette county, Alabama.

Also,

H. 350. To repeal an act entitled an act to prohibit the sale, giving away or otherwise disposing of spirituous, vinous or malt liquors, or intoxicating cider, bitters or beverages, or fruits preserved in alcoholic liquors within precinct number eight, including the incorporation of the town of Fitzpatrick and Thompson in Bullock county, Alabama, Approved Jan. 29th, 1907.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has adopted the following joint resolution:

By Mr. Goodwyn:

H. J. R. 98. Be it resolved by the House, the Senate concurring that the ladies of the Dexter Avenue Methodist church be permitted to serve cold lunches in the lobby between the Senate and House rooms, only so long as permitted by the Speaker of the House and the President of the Senate, and subject to their direction.

Cyrus B. Brown, Clerk.



## HOUSE MESSAGE.

The Senate concurred in the above and foregoing House joint resolution, relative to permitting the ladies of the Dexter Avenue Methodist church to serve lunches in the lobby of the capitol.

## MESSAGE FROM THE HOUSE.

Mr. President:

The Speaker of the House having signed the following House bill your signature thereto is requested:

H. 161. An act to confer additional jurisdiction upon the county court of Monroe county, Alabama, and to regulate the proceedings therein.

Cyrus B. Brown, Clerk.

## SIGNING OF BILLS.

The President of the Senate in the presence of the Senate, immediately after its title had been publicly read, by the secretary, signed the above house bill, the title of which is set out in the foregoing message from the House, the reading at length of said bill having been dispensed with by a two-thirds majority vote of a quorum of the Senate present.

## MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in the Senate joint resolution No. 31, relative to a joint committee being raised for the purpose of visiting the Alabama Boys Industrial School at East Lake and investigate and report the condition and needs of that Institution.

Committee on part of the House: Oliver, Rowe and Jones.

Cyrus B. Brown, Clerk.

Mr. Spragins from the committee on engrossed bills, submitted the following report:

The Committee on Engrossed Bills report that they have examined Senate Bills numbered 86, 136, 157, 207, 233 and 247, and compared them with the original bills respectively and found them to be correct.

February 9th, 1907.

Robt. E. Spragins.  
Chairman.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bill, and has ordered same sent forthwith to the Senate without engrossment:

H. 225. To amend sections 1 and 2 of an act approved January 30th, 1897, to regulate the appropriation and management of the several agricultural schools and experimental stations in the State of Alabama.

Cyrus B. Brown, Clerk.

HOUSE MESSAGES.

The House bill in the foregoing House message was read once and referred to appropriate standing committee as follows:

H. 225. To Finance and Taxation.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has amended as therein shown, and as amended has passed

S. 231. To create the 14th judicial circuit of the State of Alabama, to fix the time of holding court therein and to provide for the appointment of the judge and election of solicitor of said court.

Cyrus B. Brown, Clerk.

## HOUSE MESSAGE.

The Senate concurred in the House amendment to Senate bill 231. Said amendment as substitute being as follows, to-wit:

A bill to be entitled an act to create the 14th judicial circuit of the State of Alabama, to fix the time of holding court therein and to provide for the appointment of the judge and solicitor of said court.

Section 1. Be it enacted by the Legislature of Alabama, That there is created and established the 14th judicial circuit of the State of Alabama to be composed of the counties of Walker and Winston.

Section 2. That as soon as practicable after the approval of this act, the Governor shall appoint a judge in and for said circuit as provided by section 159 of the constitution, and the said judge shall receive the same salary to be paid at the same time and in the same manner as the other circuit judges of Alabama.

Section 3. That as soon as practicable after the approval of this act, the governor shall appoint a solicitor in and for said circuit, who shall be paid the same salary and at the same time and in the same manner as other circuit solicitors in Alabama.

Section 4. That the courts in the counties composing the circuit shall be held at the following times and places: In the county of Winston the 2nd Monday in March and September of each year and may continue two weeks. In the county of Walker the court shall be held as follows: The 2nd Monday in January and continue until the first Monday in March; from the fourth Monday in March until the first day of July, and from the fourth Monday in September until December 31st of each year; provided, that the first term of the circuit court for Walker county held under this act may commence on the fourth Monday in March 1907. And provided further that the judge of said court may organize the same on any day during the time herein provided for holding the same.

Section 5. That the judge and solicitor to be appointed under this act shall each serve for the term now re-

spectively fixed by law, and that their successors shall be elected by the qualified electors of said circuit at the time and in the manner now provided by law for the election of circuit judges and solicitors.

Yeas, 28; nays, 0.

Yeas:

Messrs:

Barbour	Hamner	Leith	Reid
Bayles	Hayes	Lowe	Reynolds
Blackmon	Heacock	Lusk	Spragins
Doster	Hinson	Merritt	Strother
Gardner	Horton	Miller	Thomas
Glenn	Jones	Moody	Wilson
Gunn	King	Overton	

—27.

#### SPECIAL ORDER SET.

On motion of Mr. Reynolds Senate bill

S. 155. To amend an act entitled an act to amend section 3602 of the Code of Alabama, approved September 9th, 1903.

Was made a continuing, paramount special order for Wednesday, February 13th, at 12 o'clock m.

#### REPORT FROM THE COMMITTEE ON ENGROSSED BILLS.

Mr. Spragins from the Committee on Engrossed bills submit the following report.

The Committee on Engrossed bills report that they have examined Senate bill numbered 16, and compared it with the original bill respectively and found it to be correct.

February 9th, 1907.

Robt. E. Spragins,  
Chairman.

#### REPORT FROM COMMITTEE ON ENROLLED BILLS.

Mr. Moody from the Committee on Enrolled Bills reports as follows:

The Committee on Enrolled Bills have examined and compared the following Senate bills and find them correctly enrolled to-wit:

S. 5. To prescribe and regulate passenger rates on all railroads, other than street railroads, carrying passengers between points, within the State of Alabama.

S. 141. An act "to authorize the sale and transfer by the Quarantine Board of Mobile Bay of its site, plant, property and equipment and to cede jurisdiction over the said quarantine site to the United States."

Frank S. Moody, Chairman.

#### SIGNING OF BILLS.

The President of the Senate in the presence of the Senate, immediately after their titles had been publicly read at length by the secretary, signed the above Senate bills, the titles of which are set out in the foregoing report from the committee on Enrolled Bills, the reading at length having been dispensed with by a two-thirds vote of a quorum of the Senate present.

#### TO TAKE FROM ADVERSE CALENDAR.

On motion of Mr. Reynolds Senate bill 186

S. 186. To further promote and secure the erection of cotton mills and factories in the State of Alabama.

Was taken from the adverse calendar, read a second time and placed on the calendar.

Yeas, 15; nays, 12.

Yeas:

Messrs:

Davis	Gunn	Jones	Reynolds
Doster	Hamner	King	Spragins
Gardner	Hayes	Lusk	Wilson
Glenn	Hinson	Miller	—15.

Nays:

Messrs:

Bayles	Lowe	McWhorter	Strother
Blackmon	Merritt	Overton	Teasley
Horton	Moody	Reid	Thomas
			—12.

## PAIRS ANNOUNCED.

Mr. Heacock announced that he was paired with Mr. White, that he would vote yea and if Mr. White were present he would vote nay.

## MOTION CONTINUED.

Mr. Gardner made a motion to take from the adverse calendar Senate bill 81.

S. 81. To amend section three of an act entitled an act to amend sections 1713, 1714, 1717, 1718, 1719 and 1720 of the code approved Oct. 1st, 1903.

And said motion was continued until Wednesday February 13th, 1907, at 12 o'clock, m.

## UNFINISHED BUSINESS.

The Senate then proceeded to consider the unfinished business of the afternoon session yesterday.

Which was Mr. Reese's motion to indefinitely postpone the consideration of the amendment offered, by Mr. Lusk to H. B. 29 on yesterday afternoon. Mr. Reese withdrew his motion to indefinitely postpone.

Mr. Lusk moved to recommit said bill and amendment to the committee on Revision of Laws.

Mr. Thomas moved to lay Mr. Lusk's motion to recommit on the table.

Which motion prevailed.

Yeas, 21; nays, 4.

Yeas:

Messrs:

Barbour	Gunn	King	Reynolds
Bayles	Hayes	Leith	Spragins
Blackmon	Heacock	Miller	Teasley
Davis	Hinson	Reese	Thomas
Gardner	Jones	Reid	Wilson
Glenn			

—21.

Nays:

Messrs:

Hamner	Lowe	Lusk	Overton
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—4.

Mr. Gunn then moved to lay the amendment offered by Mr. Lusk yesterday afternoon on the table.

Which motion prevailed.

Yeas, 19; nays, 5.

Yeas:

Messrs:

Bayles	Hayes	Miller	Spragins
Blackmon	Hinson	Moody	Teasley
Davis	Jones	Reese	Thomas
Gardner	King	Reid	Wilson
Gunn	Leith	Reynolds	

—19.

Nays:

Messrs:

Barbour	Hamner	Lowe	Lusk
Overton			

—5.

Mr. Lusk then offered the following amendment:

“Provided that this bill shall not take effect as to any officer mentioned, now in office, and only as to officers elected or appointed hereafter, as they may be elected or appointed.

Which on motion of Mr. Reese was laid on the table.

Yeas, 18; nays, 6.

Yeas:

Messrs:

Bayles	Hayes	Leith	Reynolds
Blackmon	Heacock	Moody	Spragins
Davis	Hinson	Reese	Teasley
Gardner	Jones	Reid	Thomas
Gunn	King		

—18.

Nays:

Messrs:

Barbour	Lowe	Miller	Wilson
Hamner	Lusk		

—6.

And said bill was read a third time at length and passed.

Yeas, 18; nays, 6.

Yeas:

Messrs:

Bayles	Hayes	Leith	Reynolds
Blackmon	Heacock	Moody	Spragins
Davis	Hinson	Reese	Teasley
Gardner	Jones	Reid	Thomas
Gunn	King		

—18.

Nays:

Messrs:

Barbour	Lowe	Miller	Wilson
Hamner	Lusk		

—6.

#### PROTEST.

Mr. Lusk then entered the following protest which was ordered spread upon the journal to-wit:

I protest against the passage of this bill in its present form as violating section 281 of the constitution.

John A. Lusk.

Dated Feb. 8, 1907.

#### RECESS.

On motion of Mr. Spragins the Senate took a recess until 3 o'clock this afternoon.

#### AFTERNOON SESSION.

The Senate reassembled at 3 o'clock p. m., and on motion of Mr. Reese, took an

#### ADJOURNMENT.

Until 11 o'clock Wednesday, February 13th, 1907.



# TWENTY-FOURTH DAY.

Wednesday, Feby. 13th, 1907.

The Senate met pursuant to adjournment.  
Prayer by Rev. Brooks Lawrence.

## ROLL CALL.

Mr. President, and

Messrs :

Barbour	Hamner	Lowe	Reynolds
Bayles	Hayes	Lusk	Spragins
Blackmon	Heacock	Merritt	Strother
Davis	Hinson	Miller	Teasley
Doster	Horton	McWhorter	Thomas
Forrester	Jones	Overton	White
Gardner	King	Reese	Wilson
Glenn	Leith	Reid	Wimberly
Gunn			

—33.

## JOURNAL.

On motion of Mr. Hayes, the reading of the Journal of yesterday was dispensed with, and the same was approved.

## PRIVILEGES OF THE FLOOR.

Privileges of the floor were granted to Messrs. Miller, Smith, Frazier and Opp, Brandon and Long for today.

## LEAVE OF ABSENCE.

Leaves of absence were granted to Messrs. Moody and Hamburger for today.

## RECOMMITTAL OF BILL.

On motion of Mr. Strother Senate bill No. 284:

S. 284. To further regulate municipal corporations, to confer additional rights, power and authority, and the same to prescribe the manner in which such rights, powers and authority man be acquired and conferred,

and to provide the manner in which charters for such corporations may be obtained and amended.

Was recommitted to the committee on Municipalities and Municipal Organizations.

SENATE JOINT RESOLUTION.

Mr. Lusk offered the following Senate joint resolution:

JOINT RESOLUTION.

S. J. R. No. 44. Be it resolved by the Senate, the House concurring, that when the Senate and House adjourn Thursday next it be to meet again Saturday next at 10 a. m. That the committees of the two Houses are authorized to sit on Friday and the members of such committees are required to attend unless leave of absence be granted by such committee as he may be a member of.

Which, under a suspension of the rules was immediately considered and adopted.

SENATE JOINT RESOLUTION.

Mr. Reynolds offered the following joint resolution, which was, under a suspension of the rules, immediately considered and adopted:

JOINT RESOLUTION OF THANKS TO CITY OF MOBILE.

S. J. R. 45. Be it resolved by the Senate, the House concurring, that the Legislature hereby extends its most heartfelt thanks to the Commercial Club and the Carnival Association of Mobile for the delightful manner in which they have entertained the Legislature for the past two days while in attendance on Mardi Gras.

Be it further resolved, That while the members of the Legislature have enjoyed far beyond their most sanguine expectations this brief season of holiday and recreation, they feel that they have also benefitted greatly by having an opportunity to see the possibilities of this

great section of our State and of the enterprising and hospitable city of Mobile, and that their horizon has been enlarged and they are better prepared to legislate for the whole State.

Be it further resolved, That with the completion of the Panama Canal, they confidently expect our seaport city to proudly take her rightful place in the list of our great American ports, thereby being in position to serve in the development of the marvelous resources of Alabama and of the South in general.

#### REPORT FROM COMMITTEE ON RULES.

Mr. Gardner, from the committee on Rules, made the following report, which report was concurred in. Said report being as follows, to-wit:

To President of Senate:

The motion of Senator Lusk to make S. B. 17 a special continuing order for 12 m. and S. B. 219 a special continuing order for 12:30 today having been referred to the committee on Rules, said committee reports advising, That

S. 17 be made a special continuing order for 12:30 p. m. and S. B. 219 be made a special continuing order for 1 p. m. today.

Feb. 13, '07.

Lucian Gardner,  
Chairman.

#### REPORT FROM COMMITTEE ON ENGROSSED BILLS.

Mr. Spragins, from the committee on Engrossed Bills, made the following report:

The committee on Engrossed Bills report that they have examined the engrossed copies of Senate bills Nos. 43 and 44, compared them with the original bills and found them to be correct.

Robt. E. Spragins,  
Chairman.

## INTRODUCTION OF BILLS.

On a call of the districts, bills were introduced, read one time and referred to appropriate standing committees as follows:

By Mr. Hamner:

S. 295. To legalize and make effective the registration of deeds of conveyance, heretofore filed and recorded in the office of the judge of probate of the proper county, in this State; and of deeds of conveyance heretofore executed, which may be so filed and recorded within two years after the approval of this act.

Revision of Laws.

By Mr. Lusk:

S. 296. To amend article 2 of chapter 107 of the Code of 1896, being sections 3842-3843 and 3844.

Finance and Taxation.

By Mr. Gunn:

S. 297. For the relief of J. M. Cobb and W. J. Taylor.

Finance and Taxation.

With notice and proof as follows:

The State of Alabama, }  
County of Clarke. }

Before me, Clayton Foscue, judge of probate for said county, personally appeared Isaac Grant, known to me to be the editor and publisher of the Clarke County Democrat, a weekly newspaper published in Grove Hill, Alabama, who being duly sworn, deposes and says that the notice hereto annexed was published in the Clarke County Democrat for four successive weeks.

Isaac Grant, Editor.

Sworn to and subscribed before me, this 9th day of February, 1907.

Clayton Foscue,  
Judge of Probate.

## NOTICE.

Notice is hereby given that J. M. Cobb and W. J. Taylor will apply to the Legislature of Alabama during the session of 1907 for the purpose of securing the passage of a bill to refund to them out of the fine and forfeiture fund of Clarke county, Alabama, the sum of one hundred dollars, paid on the bond of Tom Norwood.

Isaac Grant, Editor.

Sworn to and subscribed before me, this 9th day of February, 1907.

Clayton Foscue,  
Judge of Probate.

By Mr. Reese:

S. 298. To further regulate the registration of electors and persons entitled to registration in the State of Alabama.

Privileges and Election.

By Mr. Reese:

S. 299. To further regulate the oral examination of witnesses in chancery causes.

Revision of Laws.

By Mr. Reese:

S. 300. To amend section 958 of the Code of Alabama, 1896.

Revision of Laws.

By Mr. Miller:

S. 301. To dispose of all surplus moneys coming into the fine and forfeiture fund of Jefferson county, Alabama.

Local Legislation.

With notice and proof as follows:

The State of Alabama,   )  
Jefferson County.        )

Before me, W. T. Lathem, a notary public in and for said county in said State, personally appeared W. H. Jeffries, who being duly sworn, deposes and says on oath that he is advertising manager of the Age-Herald

Publishing Company, a body corporate, and authorized to make this affidavit for said company, and that said Age-Herald Publishing Company, a body corporate, is the publisher of The Age-Herald, a daily newspaper published in Birmingham, in said county and State, and that a notice in words and figures as follows, to-wit:

#### NOTICE OF LEGISLATION.

Notice is hereby given of the intention to apply to the Legislature of Alabama at its session which begins on the 8th day of January, 1907, for the enactment of a law which shall require the county treasurer to set apart from the moneys in the fine and forfeiture fund, a sum sufficient to pay all unpaid claims properly registered against said fund, and in addition a sum not exceeding \$2500, and the balance then remaining in said fund to transfer and convert into the general fund of said county.

Was published in the said The Age-Herald for four consecutive weeks without cost to the State of Alabama, and that said notice appeared in said The Age-Herald on the 5th, 12th, 19th, and 26th days of January, 1907.

W. H. Jeffries,  
Advertising Manager.

Sworn to and subscribed before me this 4th day of February, 1907.

W. T. Lathem,  
Notary Public.

By Mr. Miller:

S. 302. To amend an act entitled an act, to establish the city court of Bessemer, approved February 28th, 1901.

Local Legislation.

With notice and proof as follows:

## PERSONAL. NOTICE OF PROPOSED LEGISLATION.

Notice is hereby given that at the session of the Legislature of Alabama, which begins on the 8th day of January, 1907, application will be made for the passage of an act amending the act creating the city court of Bessemer, amendment shall in substance eliminate from said act creating said court, the provision that the judge of said court shall be elected, and the clerk and register thereof appointed, from among the qualified electors residing within that part of Jefferson county, Alabama, over which said court is given jurisdiction and also eliminate the requirements that said judge and clerk and register, shall reside within said part of said county, and that the grand and petit jurors shall be drawn and selected from among the qualified jurors of said part of said county, and shall provide that the judge of said court, shall at the next election for judge, thereof be selected from the qualified electors of said county, and that the clerk and register of said court shall be appointed from among the qualified electors of said county, and that the salary of the judge of said court, shall be increased to a sum not to exceed \$4,000.00 per annum. Which increase in salary shall take effect upon the expiration of the present term of the judge of said court and that grand and petit jurors shall be drawn and selected for said court, from among the qualified jurors of said county.

The State of Alabama, }  
 Jefferson County. }

Personally appeared before me, G. H. Stevenson, notary public in and for said county and State, Wm. H. H. Judson, who being duly sworn, deposeth and says that he is the editor and publisher of The Bessemer (Alabama) Weekly, a newspaper published in the city of Bessemer, Jefferson county, Alabama, that he makes his oath that the hereto attached notice, showing and intention to apply to the Legislature of Alabama for amendment of an act creating the city court of Bessemer, Jefferson county, Alabama, making the judges salary not

to exceed four thousand dollars per annum and to make the judge of the said court elective from the county of Jefferson county, and to summons and draw jurors from the county of Jefferson, instead of certain beats over which said court has jurisdiction, was published in the said The Bessemer (Alabama) Weekly, said newspaper for once each week for four consecutive weeks making in all four full consecutive weeks that said notice was published in said paper and prior to the making of this affidavit by the affiant and that said notice appeared in said paper in the type same appears in in the attached notice.

Wm. H. H. Judson.

Sworn to and subscribed before me, this the 2nd day of February, 1907.

G. H. Stevenson,

Notary Public.

The State of Alabama, }  
Jefferson County. }

Before me, W. T. Lathem, a notary public in and for said county in said State, personally appeared W. H. Jeffries, who being duly sworn, deposes and says on oath that he is the advertising manager of the Age-Herald Publishing Company, a body corporate, and authorized to make this affidavit for said company, and that said Age-Herald Publishing Company, a body corporate, is the publisher of The Age-Herald, a daily newspaper published in Birmingham, in said county and State, and that a notice in words and figures as follows, to-wit:

#### NOTICE OF PROPOSED LEGISLATION.

Notice is hereby given that at the session of the Legislature of Alabama, which begins on the 8th day of January, 1907, application will be made for the passage of an act amending the act creating the city court of Bessemer, which amendment shall in substance eliminate from said act creating said court, the provision that the judge of said court shall be elected, and the clerk and register thereof appointed, from among the qualified electors residing within that part of Jefferson



county, Alabama, over which said court is given jurisdiction, and also eliminate the requirements that said judge and clerk and register shall reside within said part of said county, and that the grand and petit jurors shall be drawn and selected from among the qualified jurors of said part of said county, and shall provide that the judge of said court, shall at the next election for judge thereof be elected from the qualified electors of said county, and that the clerk and register of said court shall be appointed from among the qualified electors of said county, and that the salary of the judge of said court shall be increased to a sum not to exceed \$4000 per annum, which increase in salary shall take effect upon the expiration of the present term of the judge of said court, and that the grand and petit jurors shall be drawn and selected for said court from among the qualified jurors of said county.

Was published in said The Age-Herald for four consecutive weeks without cost to the State of Alabama, and that said notice appeared in said The Age-Herald on the 27th day of December, 1906, and on the 3rd, 10th and 17th days of January, 1907.

W. H. Jeffries,  
Advertising Manager.

Sworn to and subscribed before me, this 4 day of February, 1907.

W. T. Lathem,  
Notary Public.

By Mr. Miller:

S. 303. To authorize the court of county commissioners of Jefferson county to purchase claims against the fine and forfeiture fund of said county.

Local Legislation.

The State of Alabama, }  
Jefferson County. }

Before me, W. T. Lathem, a notary public in and for said county in said State, personally appeared W. H. Jeffries, who being duly sworn, deposes and says on oath that he is advertising manager of the Age-Herald Publishing Company, a body corporate, and authorized to make this affidavit for said company, and that said

Age-Herald Publishing Company, a body corporate, is the publisher of The Age-Herald, a daily newspaper published in Birmingham, in said county and State, and that a notice in words and figures as follows, to-wit:

#### NOTICE OF LEGISLATION.

Notice is hereby given of the intention to apply to the Legislature of Alabama at its session which begins on the 8th day of January, 1907, for the enactment of a law which will amend section 2 of an act entitled, "An act to authorize the court of county commissioners of Jefferson county to purchase claims against the fine and forfeiture fund of said county," approved February 18, 1891, so as to increase the maximum price which said court may pay for claims against said fund from twenty-five percentum to a maximum price not exceeding 95 per centum of the face value thereof.

Was published in said The Age-Herald for four consecutive weeks without cost to the State of Alabama, and that said notice appeared in said The Age-Herald on the 5th, 12th, 19th and 26th days of January, 1907.

W. H. Jeffries,  
Advertising Manager.

Sworn to and subscribed before me, this 4 day of February, 1907.

W. T. Lathem,  
Notary Public.

By Mr. Reese:

S. 304. To confirm and make valid the acts of commissioners of deeds appointed by the governor in the other States and territories of the United States when acting as such commissioners of deeds of the State of Alabama after expiration of their terms of office.

Revision of Laws.

#### REPORTS OF COMMITTEES.

Mr. McWhorter, chairman of the standing committee on Temperance, reported that said committee, in ses-

sion, had acted on the following bill and ordered same returned to the Senate with a favorable report:

H. 452. To authorize the establishment of a dispensary in the town of Oxford, Calhoun county, Alabama, for the purpose of buying and selling spirituous, vinous and malt liquors, and to prescribe the condition on which such dispensary shall be established, and to provide for the distribution of the profit arising from the same, and to further regulate and prohibit the sale, giving away, or otherwise disposing of all intoxicating liquors except in said dispensary, and to provide that this act shall go into effect at an election to be held in the said town on the——day of——1907.

Mr. Miller, chairman of the standing committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with a substitute:

S. 292. To authorize the chief justice and the associate justices to appoint two secretaries for the supreme court, and to fix their compensation and make appropriation therefor.

Also, favorably:

S. 293. To fix the salary of the marshal and librarian of the supreme court and to make appropriation therefor.

Also, favorably:

S. 294. To fix the compensation of the several State executive officers, officers of departments and boards, subordinate officers, clerks, watchmen, and capitol servants and to make appropriation therefor.

The foregoing bills contained in said committee reports were severally read a second time and placed on the calendar.

Mr. Thomas made the following report from committee on Enrolled Bills:

Mr. President:

The committee on Enrolled Bills have examined and compared the following Senate bill, H. 231:

"An act to create the 14th judicial circuit of the State of Alabama, to fix the time of holding court therein and to provide for the appointment of the judge and solicitor of said court."

And find the same correctly enrolled.

E. P. Thomas,  
Acting Chairman.

#### SIGNING OF BILLS.

The President of the Senate, in the presence of the Senate, immediately after its title had been publicly read by the secretary, signed the above Senate bill, the title of which is set out in the foregoing report from the committee on Enrolled Bills, the reading at length of which was dispensed with by a two-thirds vote of a quorum of the Senate present.

#### SPECIAL ORDER SET.

On motion of Mr. Barbour:

S. 220. To repeal section sixteen of an act to establish a uniform system for the examination and licensing of teachers of public schools, approved February 10th, 1899, amended February 8th, 1901.

Was made a special paramount continuing order for Monday, February 18th, 1907, at 12 o'clock m.

On motion of Mr. Reese:

H. 462. To amend section 2301 of the Code.

Was made a special order for Thursday, February 14, 1907, at 12 o'clock m.

#### NOTICE.

Mr. Hinson offered the following notice and asked same to be spread upon the Journal:

To the Senate of Alabama:

Notice in writing is hereby given that I will, on Saturday, Feb. 16th, move that Senate bill 110, which has been adversely reported by the committee on Penitentiary, Prisons and Punishments, be ordered to a second reading and placed on the calendar.

This the 13th day of Feb., 1907.

Evans Hinson,  
Senator from the 16th District.

Filed in open session of the Senate at 12:30 o'clock p. m. Wednesday, Feb. 13th, 1907.

Mr. Reese offered the following notice, which was asked to be spread upon the Journal:

Notice is hereby given that on Thursday, Feby. 14, 1907, a motion will be made to take Senate Resolution No. 10 from adverse calendar and place same on the calendar.

H. F. Reese,  
Senator 30th Dict.

#### ORDER TO PRINT.

On motion of Mr. McWhorter 300 copies of House bill:

H. 128. To prohibit, regulate and restrict the sale, or other disposition of intoxicating liquors, drinks or beverages within the State of Alabama by providing for elections in the various counties of the State to determine whether the sale or other disposition of such intoxicating liquors, drinks or beverages shall be so prohibited, regulated and restricted.

Was ordered printed for the use of the Senate.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The Speaker having signed the following House bill your signature thereto is requested:

H. 29. An act to amend section 3841 of the Code.

Cyrus B. Brown,  
Clerk.

## SIGNING OF BILLS.

The President of the Senate, in the presence of the Senate, immediately after its title has been publicly read at length by the secretary, signed the above House bill, the title of which is set out in the foregoing message from the House, the reading at length of said bill having been dispensed with by a two-thirds vote of a quorum of the Senate present.

## MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bills:

H. 500. To ratify and confirm the acts and contracts of a court of county commissioners of Lee county, or other authorized agents of said county in borrowing money for the use and benefit of said county, and to ratify and confirm the warrants given on said contracts for money so borrowed.

And sends the same to the Senate, with notice and proof attached and herewith exhibited as follows:

## NOTICE.

To whom it may concern:

Notice is hereby given that at the next session of the Legislature of Alabama, a bill will be introduced, the substance of which will be to authorize the county of Lee to borrow money, not exceeding the current revenues of said county per annum in the discretion of the court of county commissioners of said county.

Also, at the next session of the Legislature of Alabama, will be introduced a bill to ratify and confirm the prior acts of the court of the county commissioners, or other authorized agents of the county in borrowing money and to confirm and ratify the warrants given for money so borrowed.

J. B. Lyons,  
Probate Judge.

The State of Alabama, }  
 Lee County. }

Before me, J. B. Lyons, judge of probate, in and for said county, personally appeared W. T. Wear, who, being duly and legally sworn, deposes and says that he is one of the editors and proprietors of the Opelika Daily News, a newspaper published in Lee county, Alabama, and which is published daily, except Sundays, that the notice, a copy of which is hereto attached, was inserted in and published in said Opelika Daily News once a week for four consecutive weeks since the 22nd day of December, 1906, and prior to this date.

W. T. Wear.

Sworn to and subscribed before me on this the 24th day of January, 1907.

J. B. Lyons,  
 Judge of Probate.

H. 262. To provide for the holding of regular terms of the county court of St. Clair county at Ashville, the county seat, and at Pell City in said county, and to define the jurisdiction of said court holden at each of said places and to regulate the said court and proceedings in and relating to the same.

And sends the same to the Senate, with notice and proof attached and herewith exhibited as follows:

To whom it may concern:

Take notice that the undersigned will cause to be introduced in the next Legislature of Alabama, a bill affecting the interest of the people of St. Clair county, and the substance of the proposed law is as follows:

#### AN ACT

To provide for the holding of regular terms of the county court of St. Clair county at Ashville, the county seat, and at Pell City in said county, and to define the jurisdiction of said court holden at each of said places and to regulate the said court and proceedings in and relating to the same.

Section 1. Be it enacted by the Legislature of Alabama, That regular terms of the county court of St.

Clair county shall be held at Ashville in said county, on the second Tuesday in each month, in each year for the trial of misdemeanors over which said county court has jurisdiction, and at Pell City in the building to be provided by the court of county commissioners of said county on the fourth Tuesday in each month of each and every year for the trial of misdemeanors over which said county court has jurisdiction, and may continue at each term until the business shall be disposed of.

Section 2. That said county court when in session at Pell City shall have and exercise all the jurisdiction and powers conferred by law on the county court of St. Clair county as to all misdemeanors committed in precincts numbers 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, and 21, as now situated and laid off in said county; and the said county court when sitting at Ashville shall have jurisdiction over all misdemeanors committed in the remaining portions of said county not embraced in the precincts hereinbefore named.

Section 3. That said court to be holden at each of said places shall be open at the discretion of the judge thereof every day except Sunday, for the disposition of cases in which defendants desire to interpose pleas of guilty to charges pending against them in said court, and for the trial of all defendants in said court who are confined in jail unable to give bond for their appearance to answer charges therein.

Section 4. That the said county court to be holden at each of said places shall be presided over by the judge of the probate court of St. Clair county, who shall be, by law, ex-officio judge of said county court.

Section 5. That the times of holding said county court at each of said places may be changed by the judge thereof, for good cause to be judged of by him, and when such change is made by him, he shall give notice of the same for ten days in a newspaper published in said county, and if no newspaper is published in the county, then by posting such notice at the court house door of the county at Ashville when the time is changed for the holding of the court at Ashville, and by posting such notice at the door of the building wherein the court



is to be held, when the time is changed for the holding of the court at Pell City, but the failure to give such notice shall not affect the validity of the judgment or sentence of the court held at the time appointed by said judge.

Section 6. That when application is made to the judge of the county court to issue a warrant of arrest against any person or persons for a misdemeanor committed within the territorial jurisdiction of the said county court to be holden at either of said places respectively, the warrant issued by the county judge shall be made returnable to the court having jurisdiction over the territory wherein the offense is charged to have been committed, and that in like manner warrants of arrest issued by justices of the peace on affidavit, to bring a charge of misdemeanor before the county court shall be made returnable into the county court to be holden for the territory wherein the offense was committed whether at Ashville or Pell City.

Section 7. That all persons held to answer a charge of misdemeanor in said court to be holden either at Ashville or Pell City, and who do not give bond for their appearance, shall be confined in the jail situated within the territory in which the offense is charged to have been committed.

Section 8. That all process issuing from said court holden at either of said places shall be made returnable to the court at the place where issued.

Section 9. That when a defendant in said court whether holden at Ashville or Pell City, shall demand a trial by jury it shall be the duty of the judge to require him to enter into bond with good sureties in such sum as the judge shall deem sufficient conditioned for his appearance at the next term of the circuit court for said county to be holden at Ashville or Pell City according as the case shall be pending in the county court holden at Ashville or Pell City, and it shall be the duty of the judge to return such bond, if given, to the clerk of the court before which the accused is required by it to appear, and if the accused fail to give such bond he must be committed to the jail within the territory over

which the court wherein the case is pending has jurisdiction, until the next term of the circuit court of the county having jurisdiction of the offense, unless he elects in the meantime to perform hard labor for the county as required by law.

Section 10. That in all cases of conviction in the said county court whether held at Ashville or Pell City, the defendant shall have the right to appeal to the circuit court of the county to be holden at Ashville or Pell City according as the case is pending in the county court at Ashville or Pell City, upon entering into bond with two or more sureties to appear at the term of the circuit court to which the appeal is taken, and from term to term until discharged; the bond to be in such penalty as the judge of the county court may prescribe and to be approved by him.

Section 11. That when an offense is committed on the boundary of the two territorial jurisdictions, or within a quarter of a mile thereof, or when it is committed so near the boundary line thereof as to render it doubtful in which jurisdiction the offense was committed, the court to be holden either at Ashville or Pell City shall have jurisdiction of such offense.

Jas. L. North,  
F. R. Mathews,  
Victor H. Smith,  
McLane Tilton.

The State of Alabama, }  
St. Clair County. }

Personally appeared before me, Victor H. Smith, a notary public in and for said State and county, W. A. Starns, who is known to me, and who being by me first duly sworn, on oath says: That he is publisher of The Pell City Times, and has knowledge of the facts herein deposed to, that said The Pell City Times is a newspaper published once a week in the town of Pell City, in said State and county; and that the attached notice to provide for the holding of regular terms of the county court of St. Clair county, at Ashville the county seat, and at Pell City in said county, and to define the jurisdiction of said court holden at each of said places, and

to regulate the said court and proceedings in and relating to the same, was published once a week for four consecutive weeks, beginning with the issue of December 20th, 1906, and including the issue of January 10th, 1907, before the making of this affidavit.

W. A. Starnes.

Sworn to and subscribed before me, this the 14th day of January, 1907.

Victor H. Smith,  
Notary Public.

H. 367. To require the tax assessor and tax collector of Franklin county, Alabama, to visit the voting places in each election precinct in Franklin county, Alabama, once each year, for the purpose of assessing and collecting taxes. That said tax assessor and collector shall each keep his office open at the court house of said county the entire month of December of each year.

And sends the same to the Senate, with notice and proof attached and herewith exhibited as follows:

#### NOTICE.

The State of Alabama, }  
Franklin County. }

To whom it may concern:

Notice is hereby given that at the next regular session of the legislature of the state of Alabama, which convenes in January, 1907, there will be introduced an amendment to statute requiring the Tax Assessor and Collector to attend at the voting place in each election precinct in Franklin county twice each year for the purpose of assessing and collecting taxes. The proposed amendment will provide that the Tax Assessor and collector be required to attend at the voting place at each election precinct in said county once each year, making one round instead of two rounds. Said amendment will also provide that this round will not be earlier than October 15th and that the tax assessor and collector be required to stay at the courthouse the last thirty days of the year instead of the last ten days as the law now requires.

The State of Alabama, }  
 Franklin County. }

Before me, Y. M. Quinn, notary public, personally appeared J. C. Norwood, who being by me first duly sworn doth depose and say as follows: That he is the owner, editor and publisher of the Franklin Times, a newspaper published at Russellville, in Franklin county, Alabama, and that the appended notice was published in the said Franklin Times, for four consecutive weeks, once each week prior to the making of this affidavit.

J. C. Norwood.

Sworn to and subscribed before me, this the 12 day of January, 1907.

Y. M. Quinn,  
 Notary Public.

H. 419. To abolish the fine and forfeiture fund of Tuscaloosa county and to provide for the payment of all outstanding valid claims against the said fund.

And sends the same to the Senate, with notice and proof attached and herewith exhibited as follows:

Notice is hereby given that there will be introduced and offered for passage at the session of the Legislature which will convene on January 8, 1907, a bill applicable to Tuscaloosa county, substantially as follows:

#### A BILL

To be entitled an act to abolish the fine and forfeiture fund of Tuscaloosa county and to provide for the payment of all outstanding valid claims against the said fund.

Section 1. Be it enacted by the Legislature of Alabama, That the fine and forfeiture fund of Tuscaloosa county be and the same is hereby abolished and that all funds on deposit with the treasurer of Tuscaloosa county to the credit of the fine and forfeiture fund be upon the passage of this act transferred to the credit of the general fund of said county, and that all fines and forfeitures collected in the circuit and county courts of

said county and all proceeds of the hire of all county convicts of Tuscaloosa county and all other funds that are now directed by law to be collected and paid to the county treasurer to the credit of the fine and forfeiture fund be collected and paid to said treasurer to the credit of the general fund of said county.

Section 2. Be it further enacted, That all valid claims now outstanding against the fine and forfeiture fund of said county shall be valid claims against the general fund of said county and must be paid by the county treasurer out of the general fund when properly registered and proven, as now required by law for such claims against the fine and forfeiture fund; provided, however, that said treasurer shall not pay any such claim except upon the presentation and surrender of the certificate outstanding for same.

Section 3. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed in so far as they apply to Tuscaloosa county.

The State of Alabama, }  
Tuscaloosa County. }

Before me, the undersigned, Walter Smith, a notary public in and for said county and State, personally appeared John T. Bealle, who being first duly sworn, deposes and says that the attached notice was published in the West Alabama Breeze, a newspaper published in Tuscaloosa county, Alabama, for four consecutive weeks before this date, said notice having been published in the issues of said newspaper- issued- on- the- following dates, viz.: December 26, 1906, January 2, 1907, and January 9th and January 16th, 1907; and that affiant is the owner and publisher of said newspaper.

John T. Bealle.

Sworn to and subscribed before me, this 18 day of January, 1907.

Walter Smith,  
Notary Public.

H. 523. To amend section 2 of an act to establish a State normal school for the education of white female teachers and students at Livingston, in Sumter county.

And sends the same to the Senate.

H. 25. To define corrupt solicitation of legislators and provide adequate punishment therefor and the means to effectually enforce this act.

And sends the same to the Senate.

H. 205. To appropriate the sum of ten thousand dollars for the completion of the school building of the fifth congressional district agricultural school located at Wetumpka, the main school building being destroyed by fire January 5th, 1906.

And sends the same to the Senate.

H. 128. To prohibit, regulate and restrict the sale or other disposition of intoxicating liquors, drinks or beverages within the State of Alabama by providing for elections in the various counties of the State, to determine whether the sale or other disposition of such intoxicating liquors, drinks or beverages shall be so prohibited, regulated and restricted.

And sends the same to the Senate.

And has concurred in S. J. R. No. 43, relative to returning thanks to the Commercial Club of Mobile.

And the House has passed the following Senate bill:

S. 184. To amend section 1 of an act entitled an act to incorporate the town of West Blocton, Bibb county, Alabama, so far as said section relates to the boundary lines of said town, approved March 4th, 1901.

And the House has originated and passed the following bills and has ordered the same sent forthwith to the Senate without engrossment:

H. 108. To amend an act entitled an act "To regulate the registration, branding, sale, tagging and analysis of commercial fertilizers, acid phosphates, fertilizer material and chemicals in the State of Alabama," approved March 3, 1903.

H. 468. To provide for the payment of interest on the fund in the State treasury, the proceeds of lands sold by the "Alabama Girls' Industrial School."

H. 442. To amend section 4447 of the Code of 1896.  
And sends same herewith to the Senate.

Cyrus B. Brown,  
Clerk.

#### HOUSE MESSAGE.

The House bills in the foregoing House message were severally read once and referred to appropriate standing committees, as follows:

H. 500, 262, 367, 419, 523, to Local Legislation.

H. 25, to Judiciary.

H. 205, 468, 447, to Finance and Taxation.

H. 128, to Temperance.

H. 108, to Agriculture.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has amended, as therein shown, and as amended has passed:

S. 210. To provide for the appointment of a joint committee to read and revise the manuscript of the new Code, prepared by Hon. James J. Mayfield, and to prescribe its powers and duties and to fix the compensation of the committee and clerks and provide for their pay and expenses.

Cyrus B. Brown,  
Clerk.

#### HOUSE MESSAGE.

On motion of Mr. Lusk, the following amendment adopted by the House to Senate bill No. 210, to-wit:

Section 6. The joint committee shall codify and incorporate in the manuscript all general acts passed by the Legislature at this session. Section 7. The secretary of State shall have printed, in pamphlet form, one thousand copies of the report of the Commissioner, James J. Mayfield, showing the changes and corrections made by him, for the use of the Legislature.

Amend section 1 of the bill, by striking out the word "two" and inserting in place thereof the word "three"

and strike out the word "three" and insert in place thereof the word "five."

Amendment to amendment by Mr. Martin:

Amend the amendment by adding section 8 as follows:

Section 8. Any vacancy occurring in the Senate membership of the committee shall be filled by the President of the Senate and any vacancy in the House membership of the committee shall be filled by the Speaker of the House.

Was concurred in.

Yeas, 23; nays, 2.

Yeas:

Messrs:

Barbour	Hamner	Merritt	Strother
Doster	Horton	Miller	Thomas
Forrester	Jones	Overton	White
Gardner	Leith	Reese	Wilson
Glenn	Lowe	Reid	Wimberly
Gunn	Lusk	Reynolds	

—23.

Nays: Messrs. Blackmon and Spragins—2.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has adopted the following House Joint Resolution:

By Mr. Carmichael, of Colbert:

H. J. R. 107. Resolved by the House, the Senate concurring, that the governor be requested to return to the House, H. B. 70, "A bill to be entitled, an act, to authorize the cities of Tuscumbia and Sheffield and the towns of Leighton and Cherokee in Colbert county to establish and operate dispensaries in such incorporated cities and towns for the purpose of buying and selling spirituous, vinous and malt liquors and to provide for the distribution of certain profits arising therefrom and to further regulate or prohibit the sale, barter or exchange



of such liquors in said county," in order that the same may be correctly enrolled.

Cyrus B. Brown,  
Clerk.

#### HOUSE MESSAGE.

On motion of Mr. McWhorter the Senate concurred in the foregoing House joint resolution No. 107, which is set out in the foregoing message from the House.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in S. J. R. No. 44, relative to adjournment of two Houses from Thursday next until Saturday next.

And has originated and passed the following bills:

H. 512. To establish the Morgan county law and equity court; to create and define its jurisdiction; to provide its officers, their powers, duties and compensations; to fix the terms of said court; and to prescribe rules of practice and procedure for said court.

And sends the same to the Senate, with notice and proof attached and herewith exhibited as follows:

#### NOTICE.

Notice is hereby given that there will be introduced in the coming session of the Legislature of Alabama a bill to establish in and for Morgan county a new court, to be called the Morgan county law and equity court.

Said bill will provide for the creation of said court with the same jurisdiction and powers as the circuit, chancery and city courts of the State, and, in general, conforming to the rules of practice and procedure of the circuit and chancery courts respectively. The bill will provide for a judge of said court, to be appointed by the governor as soon as practicable after the approval of the bill, and that the judge's term of office shall begin with such appointment and his qualification, and continue till the general election in 1910, at which time, and ev-

ery six years thereafter, a judge of said court shall be elected by the qualified electors of Morgan county for the term of six years. The said judge shall have been a citizen of said county for one year next preceding his election, and shall be not less than twenty-one years of age and learned in the law. Vacancies in the office of judge shall be filled as now provided by law for vacancies in the office of circuit judge and the judge of said court may be impeached and removed from office for the same causes and in the same manner as provided by law for impeachment and removal of circuit judges. Said judge shall have the same jurisdiction, powers and functions as the law gives the circuit judges and chancellors of the State.

Said bill will provide that the clerk of the circuit court of Morgan county shall be ex-officio clerk of said law and equity court on the law side, with the same powers, duties and penalties as pertain to him in like cases in the circuit court and entitled to the same fees as in like cases in the circuit court. The office and records of said clerk shall be kept at the court house of said county.

By said bill the register in chancery of Morgan county chancery court shall be ex-officio the register of said law and equity court on the equity side, with the same powers, duties and penalties as in like cases in Chancery court, and entitled to the same fees as in like cases in the chancery court and shall keep his office and records at the court house of said county.

The place of holding said court shall be the court house of Morgan county, or, in case of emergency, such other place as the presiding judge may designate.

Said bill will provide for two regular terms of said court in each year, the spring term to begin on the first Monday in February, and may continue for five months, the fall term to begin on the first Monday in September, and may continue for four months, or during the remainder of the year; the first term of the court to convene on the first Monday after thirty days from the approval of this act.

By provisions of said bill, special jury terms may also be held when, in the opinion of judge of said court,

they shall be necessary, juries for such special terms to be drawn and summoned according to the law regulating the drawing and summoning of juries for special terms of the circuit court. There may be temporary adjournments of the court during a term, when the judge thinks proper. The judge of said court is authorized by said bill to regulate and fix the time of the session of said court, and to set apart weeks for the trial of equity cases, jury and non-jury civil cases, criminal and quasi criminal cases, and weeks for the settling of pleadings and forming of issues in jury cases, such times so selected and fixed, and any change thereof, to be entered of record on the court's minutes; provided, that no jury case shall be set down for trial of the issues of fact for a time less than thirty days from the time at which the pleadings are settled and issue formed. No jury case shall stand for trial before the pleadings have been settled and the issue formed, and this is made mandatory on the judge. After such settling of pleadings and forming of the issues, no further pleadings shall be allowed, except matters occurring after the settling of the pleadings, nor any amendment allowed, except that amendment may be made to meet any phase of the evidence developed on the trial not covered by the previous pleadings on such terms as justice may require. The bill will further provide that in all civil cases at law the defendants shall be required by the summons to appear and plead or demur within thirty days after service, whether the service be had in term time or in vacation; and in cases commenced by attachment, defendant shall appear and plead or demur within thirty days after levy and notice, or if suit is against a non-resident, or other person upon whom service may be had by publication, within thirty days after service is perfected by publication; and in all other cases defendant must appear and plead or demur within thirty days after the perfection of service upon him. In all cases, however commenced, on defendant's failure, for more than thirty days after service or notice of appeal, to appear and plead or demur he shall be held to be in default, and judgment by default shall be rendered against him on plaintiff's mo-

tion; but the court may, for good cause shown, allow such default judgment to be set aside and demurrers or pleas to be filed, on such terms as the court may think just; provided, that no application to set aside such judgment, except for some reversible error in its rendition, shall be entertained by the court unless accompanied by the affidavit of the defendant, his agent or attorney, setting forth defendant's defense to the suit; and the granting or refusal to grant, and the setting aside or refusal to set aside, such judgment by default may be appealed from and reviewed by the supreme court, upon appellant's giving good and sufficient bond to be approved by the clerk.

Said bill will further provide that in all cases issues of fact shall be tried by the court without a jury, unless one of the litigant parties to the cause shall demand a jury prior to, or immediately upon, the settling of the pleadings and the forming of an issue of fact in the cause; and such demand must be entered of record when made, and thereafter the cause placed on the trial docket; and such provision is made to apply to all cases brought by appeal or certiorari from judgments of justices of the peace or other inferior tribunals, except that cases involving less than twenty dollars shall be tried by the court without a jury. The bill will provide in non-jury cases, for a special finding of the facts by the court, on written demand either party, such special finding to be entered with the judgment of the court on the minutes. The bill will also provide that if, by reason of any ruling or decision of the court on pleadings, evidence or charges to the jury, it becomes necessary for plaintiff to suffer a non-suit, the facts, point, ruling or decision may be reserved for the review and decision of the supreme court by bill of exceptions or by appeal on the record, as in other cases.

This court shall have jurisdiction of all appeals from justices of the peace, notaries public, ex-officio justices of the peace or other courts of inferior jurisdiction. All processes, notices, citations and scire facias, shall be executed instanter and returned immediately after being executed. All appeals from said courts of inferior juris-

diction stand for trial on the regular call of the docket after ten days' notice of appeal has been given adverse party, subject to conditions named relative to settling pleadings. All garnishments shall require answers made within thirty days; upon failure of garnishee to answer within thirty days, he is held to be in default and a judgment nisi may be rendered against him; all citations, rules, writs of scire facias and notices shall, unless otherwise ordered by court, require the adverse party to appear and plead within thirty days from service; if such notice is given by publication, thirty days after perfection of service by publication; and all cases, however commenced, shall be at issue and trial upon defendant's appearance and his pleading, or within thirty days after the perfection of service. The jury commission, on the day after the adjournment of last regular term of commissioner's court, or as soon as practicable, draw grand and petit jurors for each jury term of this court to be held during the next year in the manner and as required by law for the circuit courts; provided, within thirty days from the approval of this act, said commission shall meet and draw the jurors for the times prescribed by the judge, which jurors shall be summoned and empaneled as now authorized by law.

In the trial of any case at law without a jury, in addition to questions which the law authorizes presented, either party may, by bill of exceptions present by review by supreme court the conclusions and judgment of this court upon the evidence and the special finding of the facts, same to be reviewed without any presumption in favor of the court below on the evidence and supreme court may render final judgment in said cause or reverse and remand the same. The supreme court is given appellate and supervisory jurisdiction over said courts and its judge, to be exercised in the same manner as over the circuit court and chancery courts and their judges and chancellors. Said bill provides for appeals in all cases to supreme court as in circuit and chancery court. Said bill also provides for change of venue under the same rules and regulations as obtained in circuit courts. Ten days after rendition of judgment and de-

cree, execution shall be issued, unless otherwise ordered, and provided execution may be issued immediately upon affidavit being made as required by law, and does not prevent the superseding of such execution upon bond being filed as law requires. All general laws now or hereafter enacted, given jurisdiction to circuit and chancery courts shall apply to this court unless contrary is provided, and unless they conflict with this act or the rules adopted by the judge. Bills of exceptions must be filed within thirty days from the trial day unless time is extended as now or hereafter authorized by law. Final judgment and decrees, after thirty days are beyond the control of the court as though the term at which they were rendered had ended at the expiration of said thirty days. Witnesses must prove attendance within five days after trial of cause, otherwise fee is lost. Sheriff or deputy required to attend court, preserve order, and execute and return its processes, and to furnish all necessary subordinate officers; fees of said officers and compensation of jurors and witnesses to be same as in circuit and chancery courts. Salary of judge to be \$2,500 per annum, payable monthly out of the county treasury.

Bills of exceptions must be tendered by aggrieved party stating point, charge, opinion or decision wherein the court erred, with such a statement of facts as is necessary to make it intelligible; if correctly stated it is the duty of the judge to sign the same and it thereby becomes a part of the record, if it contains a true and correct statement, and the judge fails or refuses to sign it he is guilty of a high misdemeanor, and the supreme court must receive such evidence of the facts as may be satisfactory, and proceed to hear the cause as if the bill had been signed, but application must be filed in the supreme court to establish such bill within thirty days from such refusal or failure of judge to sign; if the judge dies, resigns, is impeached, his term of office expires, or he does not sign because of other good cause the bill of exceptions may be established in the supreme court as provided herein, but the application to establish must be filed in the supreme court on or before next call of the division which includes this county, and in

no case can such application be filed after one year from the rendition of the judgment or decree.

The deputy solicitor of Morgan county shall be solicitor of this court until the general election in 1908. At the general election in 1908, and every four years thereafter, a solicitor for this court shall be elected by the qualified electors of this county, whose term of office shall be four years; the solicitor shall take the oath of office required by law to be taken by solicitor of the circuit court and at time of his election shall have been a citizen of Morgan county for one year and shall be not less than twenty-one years of age and learned in the law. He shall receive for compensation the same fees as taxed by law for solicitors in criminal cases in the circuit court, not exceeding \$1,500, same to be taxed as fees and collected in the circuit court, such fees to be paid to the solicitor instead of the State; that he shall have a claim against the fine and forfeiture fund for his fees in cases where convictions are secured and fees cannot be collected.

This court shall have jurisdiction over all cases now triable by the county court and all cases pending in the county court shall be by the clerk immediately transferred to this court. Prosecutions of all misdemeanors may be instituted in this court as now provided by law for instituting same in the county court. Affidavit and warrants issued by justices of the peace and notaries public and ex-officio justices of the peace, or other officers authorized to issue such processes, may be made returnable to this court. If for any cause a grand or petit jury should be quashed, or shall fail to have been drawn or summoned, or, if drawn and summoned, shall fail to attend court may forthwith order the sheriff to summon from the qualified citizens of the county jurors to serve for any time ordered by the court, and such jury shall be competent to try all causes pending in said court and discharge all other duties as though same was regularly drawn and summoned. All indictments found by the grand jury of the circuit court charging the commission of misdemeanor shall be made returnable to this court, and all civil causes now pending in the circuit court

must, on demand of either party, or attorney, in writing made within thirty days after the approval of this act filed with the clerk, be immediately transferred for trial to this court, and all original papers and all certified copies of all dockets and minute entries in said cause, shall be transferred and filed in this court and, thereupon, this court shall have exclusive jurisdiction of such cause, and they shall be placed in the numerical order, and have the same right of precedence and priority that they had in the circuit court.

The solicitor may be impeached or removed from office for the same causes, and in the same manner, as the law authorizes the impeachment and removal from office of solicitors of the circuit courts.

There may be a grand jury for said court, and the judge is authorized to order the same summoned, and to organize and empanel it at any time he deems proper; which order shall be entered upon the minutes of the court, and such grand jury shall have power and authority, and it shall be its duty to investigate all matters and make all recommendations which the grand jury of the circuit court of Morgan county has authority to do or make. When a trial is commenced before a jury and cannot be completed during the week in which it began such trial shall be continued into the next week and until completed, and the jury shall continue to serve until the cause is ended. Juries for trial of capital cases shall be drawn, summoned and empaneled as now or may hereafter be provided by law for drawing, summoning and empaneling juries for capital cases in the circuit court, and the challenge of such jurors shall be the same as now or hereafter provided by law for challenges in the circuit court. All laws applicable to jurors and juries in the circuit courts of the State apply equally to this court, except as otherwise provided in this act. All fees in excess of the solicitor's salary and all fines and forfeitures accruing from the prosecution and trial of criminal cases in this court shall be paid into the fine and forfeiture fund of the county.

The clerk and register, with the approval of the judge, are authorized to purchase necessary furniture, records,



stationery and supplies for the equipment and maintenance of the court, the same to be paid for out of the county treasury upon warrants drawn by the judge and countersigned by the clerk or register.

All laws and parts of laws in conflict with this act are repealed, and it is provided that this act shall go into effect immediately upon its approval.

S. A. Lynne,  
L. P. Troup,  
Marvin West,  
Committee.

The State of Alabama, }  
Morgan County. }

Before me, S. A. Lynne, a notary public in and for said county, in said State, personally appeared J. C. Orr, who being by me duly sworn, deposes and says that he is the editor and proprietor of the "Morgan county Times," a newspaper published in New Decatur, Morgan county, Alabama; that said newspaper is published and issued twice a week in New Decatur, in said county and State, and has been so published and issued continuously for more than twelve months; that notice of the intention to apply to the present session of the Legislature of Alabama for the passage of a law to establish in and for Morgan county a new court to be called the "Morgan County Law and Equity Court," has been published without cost to the State of Alabama, in said newspaper, the "Morgan County Times," in New Decatur, Alabama, once a week for four consecutive weeks, beginning with the fourth day of January, 1907, issue of said paper, and appearing in the issues of January 4th, 11th, 18th, and 25th, respectively, and concluding with the 25th day of January issue of said paper; that the notice herein referred to stated the substance of said proposed law, as is shown by a copy of said notice as published and appearing in each of the issues of said paper as herein above stated, and which said copy is hereto attached and marked "Exhibit A," and made a part of this affidavit.

(Signed) J. C. Orr.

Sworn to and subscribed before me, this 25th day of  
January, 1907.

(Signed) S. A. Lynne,  
Notary Public.

H. 598. To provide for holding separate terms of the chancery court of Coffee county in the eleventh district of the southeastern chancery division of the State of Alabama at Enterprise, Alabama, and to regulate the holding of such court, to provide accommodations and equipment therefor; making its jurisdiction and powers the same as the jurisdiction and powers it exercises when sitting at Elba, in said county; providing for the transfer of causes from the said court sitting at one of said places to the said court at the other place, and investing the chancellor of said court and register at Enterprise with all the powers conferred by law upon chancellors and registers in this State.

And sends the same to the Senate, with notice and proof attached and exhibited herewith as follows:

NOTICE. EXHIBIT A.

A bill will be introduced, and its passage applied for, at the session of the Legislature of Alabama beginning January 8th, 1907, in substance as follows:

1. Requiring two terms of the chancery court of Coffee county to be held at Enterprise to be presided over by the chancellor for the southeastern chancery division; the terms to commence on first Monday in March and on first Monday in September in each year and to continue one week.

2. To authorize said court at Enterprise, the chancellor and register thereof, to exercise all the jurisdiction and powers conferred by law upon chancery courts and registers, of this State and which they now or may hereafter by law exercise at Elba.

3. Making applicable to said court at Enterprise and the chancellor and register thereof, all laws and rules of practice pertaining to such court, chancellor, and register at Elba.

4. Requiring the court of county commissioners of Coffee county at the expense of the county to provide and maintain accommodations and equipment for the court and its officers at Enterprise and such other expenses as may be incident to the court.

5. Requiring the register of the chancery court of Coffee county to exercise the powers and duties and to be subject to the liabilities attaching to his office in connection with said court at Enterprise; requiring said register to keep an office at Enterprise with all necessary dockets, records and papers adapted to and connected with the business of the court at Enterprise and to keep said office open as required by law of registers, and to attend said court at Enterprise or by deputy; requiring such register to appoint a deputy to reside at Enterprise and who, for and in the name of the register shall perform all the powers and duties and be subject to the liabilities imposed by law upon registers in chancery; also requiring such deputy to take the oath of office prescribed to registers and authorizing the register to require a bond of said deputy, such bond to be kept in the county treasurer's office and authorizing any person injured by the wrongful act or omission of such deputy to proceed in his own name on said deputy's bond or on the bond of the register and in the latter event making the bond of the deputy stand as indemnity to the register.

6. Requiring the sheriff of Coffee county to keep an office open at Enterprise, to appoint a deputy who shall reside there, and requiring such sheriff to provide all necessary dockets, records and papers for the sheriff's office pertaining to the legislation and business of the court at Enterprise; requiring the sheriff or his deputy to attend the terms of said court at Enterprise, preserve order, execute and return its process, and perform in connection with said court all other duties pertaining by law to the sheriff's office.

7. Authorizing any cause or proceeding in chancery at Elba or Enterprise by the written consent of parties or solicitors filed with the register or his deputy, or announced in open court, to be transferred by the court in

term time or chancellor or register in vacation from said court at the one place to which it is transferred as if it had originated in the court to which it is transferred, and applying to the register the law in force, at the time of such transfer regulating transfers of causes from one court to another in this State.

8. Conferring on said chancery court at Enterprise the jurisdiction of all causes and proceedings conferred by law upon chancery courts in this State and upon the chancellor and register all powers and authority conferred by law upon chancellors and registers in this State, and all jurisdiction and powers now or hereafter exercised by said court, chancellor or register at Elba and making the proceedings of the said court at Enterprise subject to the laws and rules of practice applicable to chancery courts in this State.

9. Providing that in all respects in which the commencement or adjournment of chancery courts affect time prescribed by law, or rules of practice, for the issue or return of process, the running of any statute of limitations, or where time has by law, or by rules of practice, any relations to such courts, or to the commencement or adjournment of their terms, such laws and rules shall apply to said chancery court, and its terms, held at Enterprise.

10. Requiring that when issues of fact are directed by said court held at Enterprise to be tried out of chancery that the same be certified for trial to the circuit court of Coffee county at Enterprise, or other competent court, if said circuit or other court is there held and if not, then, at Elba subject to change of venue as provided by law for such causes.

11. Providing that the proceedings, orders and decrees of said chancery court at Enterprise, and of the chancellor and register shall be subject to review as provided by law for like causes, and requiring that all laws affecting chancery courts in this State, their jurisdiction, powers, proceedings and officers shall be applicable thereto, and that all sales by authority of said court and all acts required by law to be done at a court house shall, so far as they have any relation to the proceedings of

said court at Enterprise, be had and done at the place where such court is held at Enterprise.

12. Repealing all laws or parts of laws in conflict with the provisions of said proposed act.

The State of Alabama, }  
Coffee County. }

Before me, O. C. Doster, Jr., a notary public in and for said county, this day personally appeared C. W. Carlisle, known to me to be editor and publisher of The People's Ledger, a newspaper published at Enterprise, in the county of Coffee, in said State, who being by me first duly sworn, doth state on oath that he is editor and publisher of said newspaper that the same is and has been for more than twelve months last past published and issued regularly in weekly editions in said county, and that the notice hereto attached marked "Exhibit A" relating to holding the chancery court of Coffee county, at Enterprise, was published, without cost to the State, once a week for four consecutive weeks, in said newspaper, and in said county, next before the making of this affidavit.

G. W. Carlisle.

Sworn to and subscribed before me, this the 2nd day of February, 1907.

O. C. Doster, Jr.,  
Notary Public.

H. 333. To make an appropriation for the expenses of encampment of the Alabama National Guard for the years 1907, 1908, 1909, and 1910.

And sends the same to the Senate.

H. 584. To provide for jurors for the trial of causes other than capital causes in the criminal court of Jefferson county, or other courts exercising criminal jurisdiction in said county.

And sends the same to the Senate, with notice and proof attached and exhibited herewith as follows:

#### NOTICE.

Notice is hereby given that a bill will be introduced in the next session of the Legislature of Alabama for the

passage of an act the substance of which will be to further provide for jurors for the trial of causes, other than capital cases, in the criminal court of Jefferson county, or other courts exercising criminal jurisdiction in said county, and in pursuance thereof to provide in substance:

That whenever either judge of the criminal court of Jefferson county, or of any court exercising criminal jurisdiction in said county, is of the opinion that the business of the court requires it, he may draw from the jury box as required by law the names of a sufficient number of persons to constitute not exceeding two panels of twelve jurors each in addition to those authorized by law in cases other than capital.

That the clerk shall issue an order to the sheriff to summon said jurors so drawn to appear on the day designated, and said additional jurors shall be summoned, empaneled and sworn in the same manner as the regular jurors in said court and any vacancies or deficiencies therein shall be filled by the summoning of talesmen in the same manner as now provided by law for the filling of other panels in said court in cases other than capital cases.

That from the persons so summoned and appearing, the court may organize either one or two additional juries in its discretion, which jury or juries, together with the two regular juries, shall constitute the venire for the trial of all cases set during the week.

That the jurors herein provided for shall not be drawn for any week in which capital cases are set for trial; nor shall the provisions of said act apply to or in anywise affect the drawing, summoning or empaneling of juries for the trial of capital cases.

To repeal all laws or parts of laws in conflict with the provisions of said act, and to provide that said act shall go into effect immediately upon its passage.

The State of Alabama, )  
Jefferson County. )

I, James J. Smith, hereby certify that I am one of the publishers of the Birmingham Ledger, a newspaper pub-

lished in Jefferson county, Alabama, and that the advertisement hereto attached has been published in said newspaper once a week for four consecutive weeks, prior to this date.

James J. Smith.

Sworn to and subscribed before me, this 2nd day of February, 1907.

D. N. Smith,  
Notary Public.

H. 596. To provide for holding separate terms of the circuit court for Coffee county, in the twelfth judicial circuit, at Enterprise, for the following portions of Coffee county, to-wit: Township 3, range 22; township 4, range 22; township 5, range 22; township 3, range 21; township 4, range 21; the east one half of township 3, range 20; the following sections in township 4, range 20, to-wit: 13, 22, 23, 24, 25, 26, 27, 34, 35, 36; and all that portion of the territory in township 6, range 22; township 7, range 22; township 5, range 21; township 6, range 21, lying south of Pea river, and to regulate the holding of such court, to provide buildings and accommodations therefor, making its jurisdiction within such district exclusive of the jurisdiction it exercises when sitting at Elba, in said county of Coffee, defining the powers of the judge and the clerk thereof, and regulating the drawing of its grand and petit jurors, and providing for the transfer of causes from the circuit court held at Elba, to said court held at Enterprise, and from the latter to the former.

And sends the same to the Senate with notice and proof attached and exhibited herewith as follows:

#### NOTICE.

A bill will be introduced and its passage applied for at the session of the Legislature beginning January 8, 1907, in substance as follows, to-wit:

1. Providing for the holding at Enterprise, Alabama, of two terms, in each year, of the circuit court for Coffee county, to be presided over by the judge of

the twelfth judicial circuit in said State or in case of his disability then by such judge as may be authorized by law, such terms to continue two weeks or so much of that time as may be necessary to transact the business of the court said terms to commence on the second Monday in February and on the second Monday in August of each year.

2. Conferring upon such court at Enterprise, and the judge and clerk thereof the jurisdiction and powers which are now are may hereafter be conferred by law upon circuit courts and judges and clerks thereof, to be exercised exclusively within, limited to and extending over that portion of Coffee county described as follows, to-wit:

Township 3, Range 22; Township 4, range 22, township 5, range 22, township 3, range 21, township 4, range 21, the east one-half of township 3, range 20, the following sections in township 4, range 20 towit: 13, 22, 23, 24, 25, 26, 27, 34, 35, 36; and all that portion of the territory in township 6, range 22, township 7, range 22, township 5, range 21, and township 6, range 21, lying south of Pea River and excluding from and over such described district the powers and jurisdiction of the circuit court held at Elba, Alabama.

3. Making applicable to said court at Enterprise within and for said district general local and special, and rules of practice in force or hereafter enacted or promulgated regulating and governing the circuit court held at Elba, and governing the powers of the judge and clerk thereof.

4. Requiring the court of county commissioners of Coffee county to provide a suitable building in which to hold the sessions of said court at Enterprise and for the use of the officers thereof and necessary for the dispatch of the business of the court, and to provide for the rent and other expenses incident to the court. Such arrangements to continue until it shall be practicable to purchase or erect a suitable building and accommodation for the court and its officers, then to become the duty of the said court of county commissioners to pur-



chase or erect a suitable building for such purposes at the expense of the county of Coffee.

5. Requiring the clerk of the circuit court of Coffee county to discharge all the duties of his office in connection with the court to be held at Enterprise and to keep an office at Enterprise and to keep in such office all necessary dockets, records, documents, papers and printed blanks connected with business and litigation before the said court and requiring such office to be kept open as circuit court clerks are required by law to keep their offices open. Also requiring the said clerk to attend said court at Enterprise in person or by deputy and authorized such deputy at Enterprise, in the name of the clerk to have and exercise all of the powers and perform all the duties now or hereafter vested or enjoined upon clerks of the circuit courts of the State and authorizing the clerk to require of said deputy a bond with surety or sureties in the penalty of two thousand dollars payable to the State of Alabama, and conditioned faithfully to discharge the duties of his office during the time he may continue to discharge any of the duties thereof, said bond to be approved by the clerk by whom such deputy is appointed, and to be kept in the custody of the county treasurer of Coffee—also conferred the right upon any person injured by wrongful acts or omissions of such deputy to proceed in his own name against such deputy and sureties, or either, or any of them on said bond, and further providing that if the party so injured shall proceed against the circuit clerk who appointed such deputy or under whom he is acting, such bond shall be deemed and held as a bond indemnity to the clerk under whom such deputy was acting at the time of such wrongful act or omission.

6. Requiring the sheriff of Coffee county to have an office at Enterprise and to appoint a deputy who shall reside within the district above described, and requiring such sheriff's office to be kept therein all necessary dockets, records, papers and documents pertaining to the sheriff's office in its relation to the business of the court at Enterprise requiring the sheriff or such deputy to attend the session of such court at Enterprise and

preserve order therein, to execute and return its process, furnish all necessary subordinate officers, and perform such other duties in all respects pertaining by law to the sheriff's office.

7. Making appeals and writs of certiorari as now returnable to the circuit court of Coffee county returnable before said court at Enterprise when taken or sued out within said described district, and requiring in all cases of preliminary examinations. and where any process shall issue affecting any person or property within such district and returnable to the circuit court, to be returnable to said court at Enterprise.

8. Providing that all persons subject to jury duty within the said described district shall be liable to jury duty in the circuit court at Enterprise and requiring the names of such persons now included in the jury lists or boxes of Coffee county to be removed therefrom and placed in a separate box for the Enterprise division of the circuit court for Coffee county, said box when not in use by the county commissioners in their several drawings of jurors to be safely kept by the clerk of said circuit court, or his deputy at Enterprise, the key thereto to be in possession of the said circuit judge. Requiring the judge for the year 1907 to order at least four weeks prior to each or such term at Enterprise, as he may deem necessary, and for such term, or terms, the court of county commissioners to draw under the laws for drawing jurors in said county such petit jurors from said district for such term or terms of said court at Enterprise during said year as the judge may deem necessary and proper, and for all terms subsequent to the year 1907 all jurors and juries and grand jurors and juries therefor shall be drawn from said district for said court at Enterprise as they are required by law to be drawn for Coffee county. and requiring that all inhabitants resident within said described district liable to jury duty, shall not be drawn for such service in the circuit court held at Elba whose jurisdiction is excluded from that district.

9. Requiring all causes and proceedings now pending in the circuit court at Elba in which the defendant

or defendants are residents of the district herein described and which shall be undetermined on the first day of April 1907 to be transferred from the dockets of the circuit court at Elba to the proper dockets of the said court to be held at Enterprise, on written application to the court in term time or to the judge thereof in vacation, and on the order of the court or judge, said transferred cases to proceed in the court at Enterprise in all respects as if they had originated therein, and imposing upon the clerk of the court at Elba the duties incumbent by law now or hereafter upon clerks in respect of transferred cases and requiring cases not so transferred to continue in said court at Elba as if said proposed act were not passed.

10. Prescribing the designation of said court as the circuit court of Coffee county at Enterprise and requiring it to be so styled in the summons and other process issued therefrom or returnable thereto.

11. Requiring grand juries to be drawn for said court at Enterprise as grand juries are drawn by law for the circuit courts, said grand juries to be drawn from competent persons residing within said above described district and requiring that such persons shall not be drawn for service as grand jurors in said court held at Elba. Also requiring the solicitor for the twelfth judicial circuit to assume and discharge all the duties, affairs and liabilities within said district, and in respect of criminal cases and proceedings in said court at Enterprise as are now or may hereafter be imposed upon him in respect of the remainder of said judicial circuit and in like cases now pending in the circuit courts of said circuit.

12. Authorizing any civil cause pending in said circuit court at Elba or at Enterprise to be transferred from said court at the one place to the other upon written consent of the parties filed with the clerk where the case is pending, or announced in open court, and by order of the court or judge, and directing such transferred cause to proceed in the circuit court in which it is transferred as if originally commenced herein. Also authorizing criminal cases with like consent of

the solicitor and defendant and subject to the discretion of the judge to be likewise transferred and proceeded with after transfer, and also authorizing the judge to transfer from the court at one place to the court at the other place in his discretion, all civil and criminal cases which for any reason cannot be tried at the term at which they should be tried, or which in the opinion of the judge, the public interests require such transfer, and providing that the clerk in respect of such and all transferred cases shall be governed by the provisions of law applicable to transferred cases, and authorizing such transferred cases to proceed as if originally commenced in the court to which they are so transferred; and providing that no criminal case shall be transferred against the defendants objection if by such transfer he would be deprived of the right of trial by a jury of the district in which the offense was committed.

13. Providing that all persons required to be confined in the county jail of Coffee county shall be confined in the jail at Elba until a safe and suitable jail can be erected at Enterprise, and making it the duty of the court of county commissioners of Coffee county to erect at Enterprise a suitable jail by January 1st, 1908, at the expense of the county.

14. Providing that after the erection of a safe and suitable jail at Enterprise all persons held for or convicted by said circuit court at Enterprise shall be confined in the Enterprise jail or at Elba as the sheriff may deem safer and that the sheriff of said county shall in respect of said jail and the custody, maintenance and protection of prisoners therein be invested with all powers and subject to all duties and liabilities attaching to the office of sheriff by law in such cases.

15. Providing that the said circuit court held at Enterprise under said act shall have jurisdiction of all causes and proceedings civil and criminal within the district described in said act conferred by law upon the circuit courts in this State, and conferring upon the judge and clerk of such court all the powers conferred by law on circuit judges and clerks in this State, such jurisdiction and powers to extend to all criminal offen-

ses committed within said district, and to all civil causes and proceedings against persons residing within said district and against corporations doing business therein by agent, whether the cause of action arose therein or not; also to embrace all suits and proceedings at law for the recovery of lands therein, or possession thereof, or for injury to such lands or the possession thereof, and against non-residents of the State found therein, or who may have property therein, now or hereafter authorized by law against non-residents of this State, and to all other providings in said district of which circuit courts in this State have jurisdiction, provided, that if suit is brought in said court at Enterprise or at Elba against several material defendants one or more of whom reside within the said district and one or more without such district, but within the county, or for lands partly within and partly without said district, such suit may be maintained in said court either at Enterprise or at Elba, also authorizing suits where it is made to appear to the court that all the material defendants reside within said district or without said district but within said courts, to be transferred to one place or the other as the case may be.

16. Providing that in all respects in which the commencement or adjournment of the circuit courts of this State, by law or rules of practice, affect the time for the issue or return of process, or for signing bills of exceptions, or the running of any statute of limitations, or where time has by law or rules of practice any relation to circuit courts such law or rules shall apply to said court, and to the commencement and adjournment of its terms, at Enterprise; and making applicable to the jurisdiction, powers, proceedings, and officers of said court, within said district, the laws of this State applying to such courts and officers generally.

The State of Alabama, }  
Coffee County. }

Before me, O. C. Doster, Jr., a notary public in and for said county, personally appeared G. W. Carlisle, known to me to be editor and proprietor of The People's

Ledger, a newspaper published at Enterprise, in said county, in said State, and he being first duly sworn, doth state on oath, that he is editor and proprietor of said newspaper, and that the same has been regularly published and issued in weekly editions in said county for more than twelve months last past, and that the notice hereto attached marked "Exhibit A" referring to a proposed bill for holding terms of the circuit court of Coffee county at Enterprise, Alabama, was published, without cost to the State, once a week for four consecutive weeks next before the making of this affidavit.

G. W. Carlisle.

Sworn to and subscribed before me, this the 2nd day of February, 1907.

O. C. Doster, Jr.,  
Notary Public.

H. 264. To authorize and require the probate judge of St. Clair county to hold regular terms of the probate court at Pell City, and such adjourned, called, and special terms as may be necessary, and to declare the powers and jurisdiction of said court holden at said place; to authorize the probate judge of said county to perform other official acts at Pell City, and to keep books and records of his office at said place, and to authorize the employment of a sworn and bonded clerk, who shall keep charge of the office in the absence of the probate judge, and who may discharge all duties imposed by law on the clerks of probate judges in this State.

And sends the same to the Senate with notice and proof attached and herewith exhibited as follows:

#### NOTICE.

The State of Alabama, }  
County of St. Clair. }

#### TO WHOM IT MAY CONCERN.

Take notice that the undersigned will cause to be introduced in the Legislature of Alabama, a bill affect-

ing the interests of the people of St. Clair county, and the substance of the proposed law is as follows:

An act to authorize and require the probate judge of St. Clair county to hold regular terms of the probate court at Pell City, and such adjourned, called, and special terms as may be necessary, and to declare the powers and jurisdiction of said court holden at said place; to authorize the probate judge of said county to perform other official acts at Pell City, and to keep books and records of his office at said place, and to authorize the employment of a sworn and bonded clerk who shall keep charge of the office in the absence of the probate judge, and who may discharge all duties imposed by law on the clerks of probate judges in this State.

Section 1. Be it enacted by the Legislature of Alabama that from and after the passage of this act the probate judge of St. Clair county shall hold regular terms of the probate court of said county at Pell City, in the building provided by the court of county commissioners of said county, on the fourth Monday in each Month, and may continue at each term until the business of the court is disposed of, and he shall hold all adjourned, called, and special terms of such probate court as may from time to time become necessary, and as provided by law for holding such terms of the probate court in this State; but such court must at all times be considered as open, except on Sundays, with authority to do all things needful in relation to granting letters testamentary, of administration or guardianship, and all matters appertaining thereto; binding out all apprentices, and making all other necessary orders which are grantable as a matter of course.

Section 2. That the probate court when sitting at Pell City shall have jurisdiction of all matters and things properly cognizable by the probate court arising within precincts number 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, and 21 in said county in the same manner and to the same extent that such business might be transacted and disposed of by courts of probate in this State.

Section 3. That the said judge of probate when at Pell City shall have power and authority to perform all the duties of the office pertaining to the territory hereinbefore described, and to do all acts and things relating to persons and property within the said territory as fully and completely as he would be authorized to do at the county seat of said county at Ashville; and the probate judge at Pell City, or his clerk in his office there, in the name of the probate judge, may issue marriage licenses in all respects as he may do at Ashville, and the probate judge may at Pell City exercise all the authority conferred upon him by law in the matter of sales of land and personal property for taxes when assessed for taxes within the above described territory.

Section 4. That the probate judge of St. Clair county is hereby authorized to record at Pell City in books to be provided for that purpose all deeds, mortgages, conditional sales, judgments, adverse holdings of real estate, and all other instruments relating to the titles to land or encumbrances thereon or conveyances thereof situated in precincts number 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20 and 21 in St. Clair county, also all instruments relating to property or persons in said territory authorized by law to be admitted to record, and all wills and any and all matters and things relating to the records and proceedings of the probate court when sitting at Pell City, or relating to any and all acts of the probate judge performed at Pell City, which by law are authorized or required to be recorded, as fully and completely as such books and records are now authorized to be kept by the probate judges in this State, and such records shall have the same force and effect as is by law accorded to the record of such instruments, matters, things and proceedings in the office of the probate judges of this State; and it is hereby made the duty of the court of county commissioners to provide, at the expense of the county, all necessary books and papers for the purpose of making such records.

Section 5. The probate judge of said county shall keep a clerk in charge of his office in Pell City when he himself is not personally present, and such clerk shall



have authority to discharge all the duties imposed by law on the clerks of the probate judges of this State, and for the acts of such clerk the probate judge shall be responsible on his official bond. That the probate judge may require of such clerk a bond in a sum not greater than three thousand dollars, which bond shall be payable to the probate judge, with condition to faithfully discharge all the duties required of him by law as such clerk, and said bond when approved by the probate judge shall be filed and recorded in the office of the clerk of the circuit court at Pell City.

Section 6. That the said clerk of the probate judge before entering upon the duties of his office shall take and subscribe an oath for the faithful discharge of his duties as such clerk, which oath shall be filed in the office of the circuit court at Pell City.

Section 7. That all books, records and papers to be used in the office of the probate judge pertaining to the territory hereinbefore described shall be kept by such probate judge or in his absence by his clerk in his office at Pell City in said county, free for inspection of all persons as now provided by law.

J. L. North,  
F. R. Mathews,  
Victor H. Smith,  
McLane Tilton.

The State of Alabama,    }  
St. Clair County.        }

Personally appeared before me, Victor H. Smith, a notary public, in and for said county and State, W. A. Starns, who is known to me, and, who being first by me duly sworn, on oath says: That he is publisher of the Pell City Times, and has knowledge of the facts herein deposed to; That said Pell City Times is a newspaper published once a week in the town of Pell City, in said county and State; and that the attached notice to authorize and require the probate judge of St. Clair county to hold regular terms of the probate court at Pell city, and such adjourned, called and special terms as may be necessary, and to declare the powers and jurisdiction of

said court holden at said place; to authorize the probate judge of said county to perform other official acts at Pell City, and to keep books and records of his office at said place, and to authorize the employment of a sworn and bonded clerk who shall keep charge of the office in the absence of the probate judge, and who shall discharge all the duties imposed by law on the clerks of probate judges in this State, was published once a week for four consecutive weeks, beginning with the issue of December 20th, 1906, and including the issue of January 10th, 1907, before the making of this affidavit.

W. A. Starns.

Sworn to and subscribed before me, this the 14th day of January, 1907.

Victor H. Smith,  
Notary Public.

H. 263. To provide for holding regular, special and adjourned terms of the commissioners court of St. Clair county at Pell City, to declare the powers and jurisdiction of said court holden at said place, to regulate its proceedings and to provide for its records, fixtures, and supplies and the keeping thereof.

And sends the same to the Senate with notice and proof attached and herewith exhibited as follows:

#### NOTICE.

The State of Alabama,    }  
St. Clair County.        {

#### TO WHOM IT MAY CONCERN.

Take notice that the undersigned will cause to be introduced in the next Legislature of Alabama a bill affecting the interests of the people of St. Clair county and the substance of the proposed law is as follows:

J. L. North,  
F. R. Mathews,  
Victor H. Smith,  
McLane Tilton, Jr.

An act to provide for holding regular, special and adjourned terms of the commissioners court of St. Clair county at Pell City, to declare the powers and jurisdiction of said court holding at said place, to regulate its proceedings and to provide for its records, fixtures, and supplies and the keeping thereof.

Sec. 1. Be it enacted by the Legislature of Alabama, That four regular sessions of the commissioners court of St. Clair county shall be held each year at Pell City in said county as follows:

On the fourth Wednesday in February and August and on the fourth Wednesday in May and November, and at each term may continue until the business before the court is disposed of.

Section 2. That special, called or adjourned terms of said court as authorized by law may be held in Pell City in said county, provided that it shall be stated in the order or call for such special or called session where the same is to be held.

Sec. 3. That the commissioners court of St. Clair county when holding its sessions at Pell City shall have power and authority to transact all business for said county arising in precincts numbers 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, and 21 in said county, and to hear and determine all matters and things arising in said precincts, and properly cognizable by said commissioners court, in the same manner, and to the same extent that business is transacted and disposed of in the courts of county commissioners of this state.

Sec. 4. That the commissioners court of St. Clair county shall provide proper books and papers, fixtures and supplies for keeping the records and proceedings of said court when held at Pell City and all such records and proceedings, and all papers pertaining thereto shall be kept at Pell City, and at all reasonable times shall be kept open and free for public inspection as now provided by law in such cases.

Sec. 5. That it shall be the duty of the probate judge of said county to appoint and maintain a clerk at Pell City who shall, in the absence of the probate judge, have charge and control of said records and the person so ap-

pointed may perform ministerial acts pertaining to said court of county commissioners in the name of such judge and in the same manner and to the same extent as such judge should do in person, and for the acts of such clerk the probate judge of said county shall be liable on his official bond.

The State of Alabama,     }  
           St. Clair County.     }

Personally appeared before me, Victor H. Smith, a notary public in and for said county and State, A. Heath Cather, who is known to me, and who, being first by me and who, being first by me duly sworn on oath says: That he is assistant editor and publisher of the St. Clair Herald and Coosavalleyan, and has knowledge of the facts herein deposed to; that said St. Clair Herald and Coosavalleyan is a newspaper published once a week in the town of Pell City in said State and county; and that the attached notice of an act providing for the holding of regular, special and adjourned terms of the commissioners' court of St. Clair county at Pell City, to declare the powers and jurisdiction of said court holding at said place, to regulate its proceedings, and to provide for its records, fixtures and supplies, and the keeping thereof, was published once a week for four consecutive weeks beginning with the issue of December 20th, 1906, and including the issue of January 10th, 1907, before the making of this affidavit.

A. Heath Cather,

Sworn to and subscribed before me, this the 14th day of January, 1907.

Victor H. Smith,  
           Notary Public.

H. 622. To provide a road law for the county of Marengo and to enforce the same.

And sends the same to the Senate with notice and proof attached and herewith exhibited as follows:

## NOTICE TO WHOM IT MAY CONCERN.

Notice is hereby given that a bill will be introduced at the next session of the Legislature of Alabama to provide a road law for the county of Marengo and to provide for the enforcement of the same; to provide a board of road commissioners composed of five members, one from each of the commissioners districts and one from Linden precinct, the said board to appoint all road officers and to fix their pay; to buy mules, horses and machines and tools for the purpose of working the roads of Marengo county; to work the convicts upon the roads of the county; to employ laborers, superintendents and an engineer, and to supervise the working of the roads; to collect from persons subject to road duty, in lieu of work on said road, a sum of money not exceeding ten dollars each per annum, and to provide for the collection of the same; to buy for use on said public roads, gravel, sand chert, slag, clay, lumber and tiles; to fix the age of road duty from 18 to 60 years; and to use such money as may be derived from a road tax or issue of road bonds, as may be voted by the people of the county, for the purpose of working and improving the public roads of the county.

S. G. Woolf.

The State of Alabama,    }  
Marengo County.        }

Before me, C. K. Abrahams, a notary public in and for said county and State, personally appeared H. A. Horton, who, being by me first duly sworn, deposes and says, that he is publisher of The Demopolis Times, a weekly newspaper published in Marengo county, Alabama; that the above notice, hereto attached, was inserted in said newspaper in its issue of 13th day of December, 1906, and has been published and has appeared regularly in four consecutive weekly issues of said The Demopolis Times.

H. A. Horton.

Sworn to and subscribed before me on this the 5th day of January, 1907.

C. K. Abrahams.

H. 540. To further regulate the city court of Birmingham, Alabama, and the practice and procedure in said court; to provide for judges thereof, their election, term of office, removal, power and salary; for the election term of office, bond, removal and duties of the clerk and register thereof; and to provide suitable court rooms and places, dockets, stationery, and other supplies for the holding of said court.

And sends the same to the Senate with notice and proof attached and herewith exhibited as follows:

#### NOTICE.

There will be introduced at the next session of the Legislature of Alabama a bill the substance of which will be:

To further regulate the city court of Birmingham or to amend the acts relating to said city court, so as to increase the number of judges thereof to a total number not exceeding five, to fix the terms of office and the salaries of the judges thereof, regulate the practice in said court, provide for the selection and removal of the clerk and register thereof and the fixing, giving and approval of the bond of such clerk and register.

Said acts shall also provide in substance that the number of judges of the city court of Birmingham shall be increased to not more than five, each of whom shall be called and known as judge of the city court of Birmingham; the additional judges to be elected by the legislature or appointed by the governor, to hold office until the next general election, and thereafter every six years to be elected as the present judges of said city court of Birmingham are now elected, and to confer upon them all the jurisdiction, power, rights and authority now given by law to the present judges of said city court of Birmingham, and to require of them all the duties required of judges of the circuit court, and to fix the qualifications of said judges, and to provide that said judges shall be liable to all the penalties now provided for by law for circuit judges, and to provide for filling any vacancies in said offices.

2. To provide the number of dockets, and the arrangement of cases thereon under the direction of said judges; to provide that the judges of said city court of Birmingham may each be separately engaged at the same time or at different times, in the trial of different cases; that said judges of said court may provide rules of procedure for said city court of Birmingham and rules governing the practice therein, and to provide for the summoning, empannelling and swearing of jurors to serve in said court, and provide that the board of revenue or other lawful authority of Jefferson county shall provide and maintain suitable court rooms and places, and proper and suitable dockets and stationery for the holding of courts and for the said clerk and register of said court, and to fix the liability and penalties of said clerk and register and his sureties on his official bond and the remedies for the enforcement thereof, and to provide that said clerk and register shall reside in Jefferson county.

3. To provide where said court shall be held and where the records thereof shall be kept; to provide for the number of terms of said court to be held each year and the duration thereof, and for special or adjourned terms of said court, and to provide for recesses of said court by said judges, or a majority of them, to provide for a seal of said court and the custodian thereof.

4. To provide for the salary of each of said judges, and that the sum fixed shall not be in excess of five thousand dollars, and that they shall be paid out of the state treasury the same sum as is now or shall hereafter be by law paid to circuit judges out of the State treasury, and such sum out of the treasury of Jefferson county as will, in addition to the amount paid out of the State treasurer, equal the salary fixed by said bill; provided that the present judges of said court shall receive the same salary now allowed them by law for and during the terms for which they were heretofore elected.

5. To provide for the appointment of a judge pro tempore, where either one of the judges of said court is or will be absent from said court on account of illness, or for any cause, or unable to attend or hold said court, or

disqualified to try any case therein, and that said inability or disqualification or absence will continue for more than one day; to provide for the qualifications of said judge pro tempore, and to fix his power and authority while acting as such and to provide for the time during which he shall act as such judge pro tempore, and to provide for paying said judge pro tempore, and to provide that the salary of such regular judge shall not be lessened or curtailed during and on account of such absence or inability, provided that such absence is caused by his own sickness or that of some member of his family.

6. To provide for the repeal of all laws or parts of laws, special or general, in conflict with the provisions of this act.

The State of Alabama, }  
Jefferson County. }

Before me, D. N. Smith, a notary public in and for said State and county personally appeared James J. Smith who being duly and legally sworn, deposes and says that he is Manager of the business department of the Birmingham Ledger; that the Birmingham Ledger is a newspaper published in the city of Birmingham, Jefferson county, Alabama; that the notice, a copy of which is hereto attached, was inserted, published and appeared regularly in the said Birmingham Ledger, in said Jefferson county, Alabama, once a week for four consecutive weeks, without costs to the State of Alabama.

James J. Smith.

Sworn to and subscribed before me this the 26th day of January, A. D., 1907.

D. N. Smith,  
Notary Public.

H. 530. To amend section 1 of an act entitled an act to make it unlawful for any person or persons to sell, give away, barter, exchange or otherwise dispose of any alcoholic, vinous or malt liquors or intoxicating bitters,



beverages or fruits preserved in alcoholic liquors within one and a half miles of Mount Zion church in Winston county, Alabama, and certain other places in the State of Alabama, approved December 12, 1888, so far as the same relates to said Mount Zion church, which in said act should have been Mount Joy church.

And sends the same to the Senate, with notice and proof attached and herewith exhibited as follows:

Notice is hereby given that a bill will be introduced at the next session of the Legislature of Alabama, to convene on the 8th day of January, 1907, to amend an act to prohibit the sale of liquor near Mount Joy church in the south-west fourth of section 9, township 12, range 9, in Winston county, Ala., passed by the General Assembly of 1888-9, so as to make it read Mt. Joy church instead of Mount Zion church.

Y. P. Ingle.

The State of Alabama, }  
Winston County. }

I, Geo. W. Adkins, editor and publisher of the New Era, a newspaper published weekly in said county and State, hereby certify that the annexed notice by Y. P. Ingle, has been published in said paper for 4 consecutive issues, prior to date.

This 15th day of January, 1907. Geo. W. Adkins,  
Editor New Era.

Sworn to and subscribed before me, this 15 day of January, 1907.

Rufus I. Dodd,  
Clerk Circuit Court.

The above is a copy of the original.

H. 420. To provide for the creation of the office of county auditor of Walker county, Alabama, to define the powers and duties thereof, to provide for his compensation, to fix his term of office and prescribe the manner of his appointment and election.

And sends the same to the Senate, with notice and proof attached and herewith exhibited as follows:

## NOTICE.

Notice is hereby given that at the next session of the Legislature of Alabama application will be made for the passage of an act providing substantially as follows :

An act to be entitled an act to provide for the creation of the office of auditor of Walker county, and to define the powers and duties thereof, to fix his term of office and provide for his compensation and the manner of appointment and election to office.

Sec. 1. Be it enacted by the Legislature of Alabama, That the office of auditor of Walker county, Alabama, be and the same is hereby created that at the next regular meeting of the commissioners' court, after approval of this act said board of county commissioners shall elect a person to perform the duties of said office, who shall be an expert accountant of known integrity and skill, a resident of said county, who has not within six years preceeding said appointment held any office subject to be examined or audited under this act.

Sec. 2. Be it further enacted, That said auditor shall hold his office until the next general election held in Walker county, Alabama, or until his successors shall be elected at the next general election held in said county and shall hold his office for the term of 4 years, or until his successor is elected and qualified.

Sec. 3. Be it further enacted, That said auditor shall receive as a salary the sum of \$1,000 per annum, to be paid quarterly by the county treasurer out of the treasury of the county.

Sec. 4 . Be it further enacted, That said auditor shall have power and authority, and it shall be his duty to audit and examine from time to time, and at least once every three months, the books, records, vouchers, accounts and receipts of all the State and county officers in Walker county, Alabama, appointive or elective by the popular vote of said county, of their clerks, deputies and appointees of the solicitors of the several courts held in said county and shall, at least once in every six months, audit and examine the books, records, and dock-

ets of ex-officio justices of the peace in said county, and shall have power to order said books brought to his office.

Sec. 5. Be it further enacted, That it shall be the duty of said auditor, and he shall have the power and authority, at least once every three months to audit and examine all records, books, accounts, vouchers, receipts, invoices and reports of the dispensaries, or those operating the same now or hereafter established and maintained in Walker county, Alabama.

Sec. 6. Be it further enacted, That in auditing and examining said books, records, vouchers, accounts, receipts and invoices of the officers and dispensaries of the county and see all other persons presenting accounts and claims against the county, said auditor shall go back as far as he may deem advisable, or as far as he may be directed by the grand jury of said county or the commissioners' court of said county and in the exercise of such authority he is hereby empowered to issue subpoenas for witnesses whom he may deem necessary to examine, to administer oaths to them and compel their attendance, and he shall have authority in the exercise of his duties to require officers and their clerks and those operating or connected with the several dispensaries in the county, whose book, accounts, and records are to be examined and to produce all records and all papers pertaining to their offices, and to the business engaged in, and to give all information under oath, that he may ask for concerning them or any matters pertaining to their respective offices, and to the conduct and management of the dispensaries in the county. When the officer or clerk or dispenser or person operating or conducting the dispensaries refuses to comply with the requirements of this section, or any witness fails to attend when summoned, or refuses to testify, the auditor must report the fact to the judge of the Walker county law and equity court or of the circuit court of said county, who shall immediately issue a rule to each officer, clerk, dispenser or witness, to show cause why he should not be committed to jail for contempt. On the day fixed for said rule, if such has been served, each judge must examine such

officer, clerk, dispenser or witness, and unless some lawful reason is shown for such default or refusal, must commit such offending person to jail until he gives the information or furnishes the records, books, accounts or vouchers called for, or testifies as required by law.

Sec. 7. Be it further enacted, That said auditor shall when directed by the governor examine any of the books of the county officials for the State and for such service shall receive the same compensation as State examiners receive for similar services to be paid upon the order of the governor out of the general fund of the State.

Sec. 8. Be it further enacted, That it shall be the duty of auditor to examine and audit all accounts of the officers of the county or their clerks for stationery and materials used by such officers or clerks, and it shall be his duty, before such account is ordered paid by the county commissioners, to make his recommendation to such court of county commissioners as to the necessity and price to be paid for the stationery or material ordered by such officer or clerk, and no account of any official or his clerk stationery or material, to be used by such official, shall be paid or ordered to be paid by the court of county commissioners until such account is examined by said auditor and recommendation made upon the same.

Sec. 9. Be it further enacted, That he shall require all claims of whatsoever description, of the county officials or employees against any of the several funds of the county to be accurately and fully itemized and accompanied by the affidavit of the claimant stating the correctness of the same, and no portion of the account or claim has been paid; that no claim of any official of the county shall be registered against any fund of the county, unless the same shall have been first examined and passed upon by said auditor.

Sec. 10. Be it further enacted, That said auditor shall inspect the fiscal affairs of the county and make such reports to the State auditor and the grand jury of the county as the public interest may require. He shall by the approval of the State auditor and in accordance with the existing laws, describe the forms to be used by

all county officers in collecting and in keeping the accounts of one making returns of the county revenues and shall prescribe the form and manner of keeping the accounts, records, books and vouchers of the several dispensaries in said county.

Sec. 11. Be it further enacted, That such auditor shall keep such general books as may be necessary in the proper conduct of the work in his office, and as soon as practicable after the 30th day of September in each year, publish a comprehensive statement of the fiscal affairs of the county, together with such comments and recommendations as he may deem of interest to the public.

Sec. 12. Be it further enacted, That he shall inspect and verify the abstracting and indexing of the county tax books each year as well as other clerical work done for the county.

Sec. 13. Be it further enacted, That the auditor before entering upon the duties of his office must take the oath of office prescribed by the constitution, and give bond in the amount of two thousand (\$2,000.00) dollars, with good and sufficient sureties, and payable and conditioned as official bonds of other public officers and such bond must be approved by and with the oath of office filed and recorded in the office of the probate judge of Walker county within thirty days after the appointment of the auditor whereupon he is required to enter upon his official duties.

Sec. 14. Be it further enacted, That it shall be the duty of the county commissioners to provide said auditor with suitable furnishings together with such books and stationery as he may from time to time require.

Sec. 15. Be it further enacted, That it shall be the duty of said auditor and he shall have the power and the authority to audit and examine all accounts, claims and demands against the county incurred by the building, repairing, furnishing and equipping a county court house, jail or bridges or any other building structure or improvement by or for the county and it shall be his duty and he shall have the power to examine and audit any and all accounts or claims against the county incurred or arising from the building, repairing, improving and maintaining the public roads and bridges in the county.

The State of Alabama, }  
Walker County. }

Personally appeared before me, R. T. Knight, a justice of the peace in and for said State and county, J. W. Young, who being first duly sworn according to law upon his oath that he is the editor and general manager of the Walker County News. That the notice herewith attached of an intention to apply for the passage of an act for the creation of a county auditor and to define his powers and duties, etc., was published in the Walker County News, a newspaper published in Jasper, in Walker county, Alabama, and that said notice was published in said paper once a week for four consecutive weeks next preceding the date of making this affidavit.

J. W. Young.

Sworn and subscribed before me, on this the 21st day of January, 1907.

R. T. Knight,  
Justice of the Peace.

H. 106. To amend the caption or title, and section 4, of an act entitled an act to authorize the court of county revenues of Dallas county to buy mules, horses, road machines and tools for the purpose of working the public roads of Dallas county; to work the convicts of Dallas county on the public roads of said county, to employ laborers and superintendents to work, and supervise the working of the public roads of said county, to collect from persons subject to road duty, in lieu of work on said public roads, a sum of money not exceeding three dollars each per annum, and to provide for collecting the same; to buy for use on said public roads gravel, sand, chert and slag; to employ an engineer to grade said public roads; to fix the age of road duty from twenty-one years to sixty years; and to use such sums of money from the general fund of said county, for the purpose of working and improving said roads, as said court of county revenues may deem necessary, approved September 18, 1903.

And sends the same to the Senate, with notice and proof attached and herewith exhibited as follows:

## NOTICE.

Notice is hereby given that a bill will be introduced in the next Legislature of Alabama for the amendmnet of an act of the Legislature approved September 18, 1903, and entitled:

"An act to authorize the court of county revenues of Dallas county to buy mules, horeses, road machines and tools for the purpose of working the public roads of Dallas county; to work the convicts of Dallas county on said public roads of said county, to employ laborers and superintendents to work and supervise the work of the public roads of said county, to collect from persons subject to road duty, in lieu of work on the roads, a sum of money not exceeding three dollars each per annum, and to provide for collecting the same; to buy for use on said public roads, gravel, sand, chert and slag; to employ an engineer to grade said public roads; to fix the age of road duty from twenty-one years to sixty years; and to use such sums of money from the general fund of said county, for the purpose of working and improving said roads, as said court of county revenues may deem necessary.

The substance of said amendment being:

First, to amend the caption of said act by striking out the word "three dollars each per annum" therein and substituting therefor the words "seven dollars and fifty cents each per annum."

Second, to amend section 4 of said act, the substance of said amendment being, to strike out the words "three dollars per annum" and substituting therefor the words "seven dollars and fifty cents each per annum" where they occur in said section; thereby authorizing and empowering said court to collect from all persons subject to road duty in said court in lieu of work on the public roads of said county a sum of money not exceeding the sum of seven dollars and fifty cents per annum.

R. R. Kornegay.

The State of Alabama, }  
Dallas County. }

Before me, P. J. Loughlin, a notary public in and for said State and county, personally appeared Julius C.

Adler, who being duly sworn by me, doth depose and say, that he is the proprietor and publisher of the Morning Times, a newspaper published in the city of Selma, in the county and State; that the attached or annexed notice for the amendment of the caption and section 4 of the act of the Legislature, approved September 18, 1903, by striking out the words "three dollars each per annum," where they occur in the caption and section 4 of said act, and inserting in lieu thereof the words "seven dollars and fifty cents each per annum," was published in the said The Morning Times on the 13th day of Nov., 1906, and its publication continued in said newspaper, at least once a week for four consecutive weeks.

(Signed) Julius C. Adler.

Sworn to and subscribed before me, this the 24th day of December, 1906.

(Signed) P. J. Loughlin,  
N. P. D. E.

H. 597. To establish a probate office at Enterprise, Alabama, and to provide for holding terms of the probate court of Coffee county thereat, and to regulate the jurisdiction and proceedings thereof, and to provide for the registration in such office of instruments authorized by law to be recorded, and defining the district within and for which the jurisdiction of such court shall be exercised and such registration shall operate.

And sends the same to the Senate, with notice and proof attached and herewith exhibited as follows:

#### NOTICE.

A bill will be introduced, and its passage applied for, at the session of the Legislature of Alabama beginning January 8th, 1907, in substance as follows:

1. Requiring the court of county commissioners of Coffee county to provide at the expense of said county an office at Enterprise, Alabama, for the probate judge of said county, and necessary stationery, record books, dockets and other equipment for such office similar to those kept in the office of said probate judge at Elba.



2. Requiring said office at Enterprise to be kept open by said judge of probate, and the books, dockets, records and papers pertaining thereto to be kept in said office; requiring said judge of probate to keep a clerk in his absence, in charge of said office, and books, records and papers therein who shall have power and authority, for and in the name of such judge of probate, to perform all ministerial acts in connection with the office and business thereof, and for whose acts the said judge shall be liable on his official bond; authorizing said judge to require a bond of such clerk, such bond to be kept in the office of the county treasurer of Coffee county and authorizing any person injured by the wrongful act or omission of such clerk to sue, in his own name, on said bond or on the judge of probate's bond, and in the latter event the clerk's bond to stand as indemnity to the probate judge.

3. Requiring the said judge of probate to hold regular terms of the probate court at Enterprise for the districts described in said bill on the third Mondays in each month, to continue until the business is disposed of with authority in the judge to change the time of such terms by giving notice in a newspaper published at Enterprise in said county.

4. Describing the district for and in which said probate court at Enterprise and the judge shall exercise the jurisdiction and powers and within which registration of conveyances and other instruments, entitled to registration shall be operated; such district being as follows, to-wit:

Township 3, range 22; township 4, range 22; township 5, range 22; township 3, range 21; township 4, range 21; the east one-half of township 3, range 20; the following sections in township 4, range 20, to-wit: 13, 22, 23, 24, 25, 26, 27, 34, 35, 36; and all that portion of the territory in township 6, range 22, and township 7, range 22; township 5, range 21 and township 6, and range 21 lying south of Pea river, situated in Coffee county, and providing that the jurisdiction and powers of said court and judge, at Enterprise, and the registration of conveyances and other instruments entitled thereto, within said dis-

trict, shall be exclusive of their jurisdiction and powers exercised at Elba, and of the registration of conveyances and other instruments at Elba, except that conveyances and instruments, entitled to record, affecting lands situated in said county partly within and partly without said district, shall be recorded both at Elba and at Enterprise.

5. Provided that the jurisdiction, powers and duties of said probate court, and judge of probate shall, within and for said described districts, be in all respects the same as by law they have and exercise at Elba in respect of the remainder of said county, and the same effect shall attach to the registration or delivery for registration, in said office at Enterprise, of conveyances and other instruments entitled to registration therein by this act, as is now or may hereafter be given to the registration in other judge of probate offices in this State of conveyances and other instruments authorized by law to be recorded therein or delivered therein for record.

6. Providing that all powers and duties imposed by law upon courts of county commissioners, sheriffs and other officers, in respect of the probate courts and probate offices in this State shall apply to the court of county commissioners, sheriff and other officers, of the county of Coffee in respect of said probate court and probate office at Enterprise provided by said bill.

7. Authorizing all cases and proceedings affecting lands in said county lying partly within and partly without said district to be had in the probate court either at Elba or at Enterprise and authorizing causes or proceedings to be transferred by the written consent of the parties filed in court from the court at one place to the other; and providing that when a jury is required for said court at Enterprise the same shall be drawn from competent persons residing within said district and requiring that persons residing within said district shall not be drawn as jurors for said court at Elba.

8. Providing that in all respects in which the commencement or adjournment of probate courts in this State affect the time prescribed by law for the issue or return of process, the signing of bills of exceptions, the

running of any statute of limitations, or where time has by law any relation to such courts, or the commencement or adjournment of their terms, such laws shall apply to said probate court, and to its terms, at Enterprise; and that whenever the law requires a sale to be made, or any other act to be done, at the court house, such sale, or act, if it affects any matter connected with or pertaining to the jurisdiction, powers, proceedings or duties of said court or judge at Enterprise shall be had or done at the place where said probate office in Enterprise is located.

9. Repealing all laws and parts of laws in conflict with the provisions of said proposed bill.

The State of Alabama, }  
Coffee County. }

Before me, O. C. Doster, Jr., a notary public, personally appeared G. W. Carlisle, known to me to be editor and publisher of The People's Ledger, a newspaper published at Enterprise, in the county of Coffee, in said State, who, being by me first duly sworn, doth state on oath that he is editor and publisher of said newspaper, that the same is, and has been for more than twelve months last past, published and issued regularly in weekly editions in said county, and that the notice hereto attached marked "Exhibit A" relating to the establishment of a probate judge's office at Enterprise, and providing for the holding of the probate court at said place, and for the recording of written instruments in said office was published, without cost to the State, once a week for four consecutive weeks in said newspaper, and in said county, next before the making of this affidavit.

G. W. Carlisle.

Sworn to, and subscribed before me, this the 2nd day of February, 1907.

O. C. Doster, Jr.,  
Notary Public.

H. 18. To fix the time and place of holding the circuit court in the twelfth judicial circuit of the State of Alabama.

And sends the same to the Senate.

H. 135. To prevent the shipment, transportation or delivery, by any person, firm or corporation, of any spirituous, vinous or malt liquors or intoxicating bitters, from any point in the State of Alabama, outside of a prohibition district, to any point in the State of Alabama, where spirituous, vinous or malt liquors or intoxicating bitters are prohibited from sale by law.

And sends the same to the Senate.

H. 163. To fix the time of holding the city court of Montgomery.

And sends the same to the Senate.

C. B. Brown, Clerk.

#### HOUSE MESSAGE.

The House bills in the foregoing House message were severally read once and referred to appropriate standing committees as follows:

H. 512, 598, 584, 596, 264, 263, 622, 540, 597, 18, 163, to Local Legislation.

H. 420, to Judiciary.

H. 530, 135, to Temperance.

H. 333, to Military.

H. 106, to Revision of Laws.

#### BILLS ON THIRD READING.

The bill:

S. 62. To fix the weights and measures and regulate the trade in corn, meal and flour, and to prohibit packing or dealing in so called short weight packages.

Was taken up.

On motion of Mr. Hamner the further consideration of this bill was postponed until tomorrow, as unfinished business of today.

The bill:

S. 48. To create the fourteenth judicial circuit for the State of Alabama, to be composed of the counties of Autauga, Chilton, Elmore and Montgomery; to confer equity jurisdiction on said court as to matters arising in Autauga, Elmore and Chilton counties, and provide for registers in chancery therein; to provide for the appoint-

ment of a judge and solicitor for said court and for the removal of pending causes and the remanding of pending appeals to the new court; to regulate the convening of grand and petit juries in said court and to authorize the judge of said circuit court to adopt reasonable rules of practice to facilitate the business of the court.

Was taken up.

Mr. Teasley offered the following substitute for said bill, to-wit:

#### A BILL

To be entitled an act to create the fifteenth judicial circuit for the State of Alabama, to be composed of the counties of Autauga, Chilton, Elmore, and Montgomery; to confer equity jurisdiction on said court as to matters arising in Autauga, Elmore and Chilton counties, and to provide for registers in chancery therein; to provide for the appointment of a judge and solicitor for said court, and for the removal of pending causes and remanding of pending appeals to the new court, to regulate the convening of grand and petit juries in said circuit, and to authorize the judge of said circuit court to adopt reasonable rules of practice to facilitate the business of the court.

Sec. 1. Be it enacted by the Legislature of Alabama, That there is hereby created and established the fifteenth judicial circuit for the State of Alabama, to be composed of the counties of Autauga, Chilton, Elmore and Montgomery, and that said counties are hereby taken out of their present judicial circuits.

Sec. 2. That as soon as practicable after the passage and approval of this act, the governor shall appoint a judge in and for said circuit as provided by section 159 of the Constitution, and the said judge shall receive the same salary and be paid at the same time and in the same manner as the salary of other circuit judges.

Sec. 3. That as soon as practicable after the passage and approval of this act, the governor shall appoint a solicitor for said circuit, whose duties shall be confined

to the counties of Autauga, Chilton and Elmore, and who shall be a resident of one of said counties at the time of his election or appointment as the case may be. The salary of said solicitor shall be the same as that of the other circuit solicitors, and shall be paid at the same time, and in the same manner as the salary of the other circuit solicitors.

Sec. 4. That the court in the several counties composing said circuit shall be held at the following times: In the county of Montgomery, on the first Monday in March, and may continue until the business is disposed of; and on the first Monday in November, and may continue until the business is disposed of, and the terms of the said court shall not be affected by the terms of the court to be held in the counties of Autauga, Chilton and Elmore, but the judge thereof may, when he deems it necessary, recess said terms, to be held in the county of Montgomery, without adjourning the same. In the county of Elmore on the second Monday in January and may continue two weeks; on the first Monday in April, and may continue one week; on the second Monday in September, and may continue two weeks. In the county of Autauga on the fourth Monday in January, and may continue two weeks; on the second Monday in April, and may continue one week; on the fourth Monday in September, and may continue two weeks. In the county of Chilton on the second Monday after the fourth Monday in January and may continue two weeks; on the third Monday in April, and may continue one week; on the second Monday after the fourth Monday in September, and may continue two weeks.

Sec. 5. That the court as herein established, except as to the county of Montgomery, shall have and exercise all the jurisdiction and powers which are now or may hereafter be conferred by law upon the chancery courts of this State, provided that said judge while in the county of Montgomery, shall have and may exercise all the powers and duties of a chancellor as to matters pending or arising in the counties of Autauga, Elmore and Chilton, as if he were in one of said counties; that said court in exercising the powers and jurisdiction of a court of

chancery shall conform to the rules of practice and procedure of the chancery courts of this State.

Sec. 6. That the registers in chancery for the counties of Autauga, Chilton and Elmore shall be ex-officio registers in the circuit court of said counties respectively, the same powers and subject to the same duties and liabilities and entitled to the same fees and commissions as provided by law for registers in chancery, provided, however, that separate dockets shall be kept for all matters pertaining to the equity side of said court in said counties respectively, and provided, further, that the official bonds of said registers, shall extend to the duties and liabilities herein imposed, and provided, further, that nothing in this act shall effect the tenure of office of the present clerks of the circuit court in the counties embraced in this act, who shall continue, as now provided by law, as the clerks of said courts, in each of said counties respectively.

Sec. 7. All cases and court business now pending in the circuit courts of the counties of Autauga, Chilton, Elmore and Montgomery, respectively, are hereby transferred to the court created by this act in said counties respectively, and shall be tried and disposed of in said court.

Sec. 8. That in the counties of Autauga, Chilton and Elmore, no grand jury for said court, at the spring term respectively, shall be organized, unless in the opinion of the presiding judge, the public good requires it, and when organized, it shall be done in the same manner as now provided by law, for the organization of grand juries for a special or adjourned term of the circuit courts of the State. At said spring term, respectively, no civil causes, in which a jury is required, shall stand for trial excepting by consent, provided, however, that the pleadings may be acted upon and disposed of.

Sec. 9. That in the county of Montgomery, no grand jury shall be organized for said court, unless in the opinion of the presiding judge the public good requires it, and when organized, it shall be done in the same manner as now provided by law for the organization of

grand juries for a special or adjourned term of the circuit court of the State.

Sec. 10. That all cases now pending in the supreme court on appeal, or otherwise, or which may hereafter be appealed or carried to said court from the circuit courts of said counties, shall, if reversed, be remanded to this court in the counties respectively.

Sec. 11. That the judge of said court may in his discretion hold special, or adjourned terms of the court in the manner now or hereafter prescribed by law, provided that such special or adjourned terms of said court shall not be effected or impaired by the holding of court in other counties of the circuit. And provided that executions and other process on judgments rendered at any term may issue at any time after two weeks from the rendition of judgment, as though the term of court had adjourned, *sine die*. And all process of judgment at any special or adjourned term shall be returnable at the next regular term, if more than thirty days intervene, otherwise to the second regular term thereafter.

Sec. 12. The equity docket in the counties of Autauga, Chilton and Elmore respectively shall be called peremptorily at least three times in every twelve months, notice of which calls shall be given by the register by mailing the same to the attorneys of record, in all pending causes.

Sec. 13. The judge of said court is authorized to fix the time of pleadings and to adopt such other reasonable rules of practice as will facilitate the business of the court.

Sec. 14. That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

Was adopted.

Yeas, 20; nays, 0.

Yeas:

Messrs:

Barbour	Hamner	Leith	Overton
Blackmon	Hayes	Lusk	Strother
Forrester	Horton	Merritt	Teasley
Glenn	Jones	Miller	Thomas
Gunn	King	McWhorter	Wilson



And said bill as thus amended, was read a third time, at length and passed.

Yeas, 19; nays, 0.

Yeas:

Messrs:

Barbour	Hamner	Leith	Teasley
Blackmon	Hayes	Lusk	Thomas
Forrester	Horton	Merritt	White
Glenn	Jones	Reid	Wilson
Gunn	King	Strother	—19.

The bill:

S. 236. To alter, rearrange and extend the corporate limits of the city of Mobile, Alabama.

Was taken up.

The following amendment to said bill offered by Mr. Hamburger, to-wit:

Amendment to section 1, of S. B. 236:

Description as follows:

Commencing at the southeast corner of township 4 south, range 1, west, and running west along the south line of said township to the half section line dividing section 32, township 4 south, range 1 west, thence due north on said half section to the north line of said section; thence due west to Bayou Durand; thence up said Bayou along its east and north banks to the west line of section 29; thence due north to the north line of section 18, township 4 south, range 1 west, thence due east to Three-Mile creek; thence along the south line of said creek to its intersection with the west bank of the Mobile river; crossing the Mobile river to the township line; thence southwardly along the township line to the point of beginning.

Was adopted.

Yeas, 20; nays, 0.

Yeas:

Messrs:

Barbour	Hamner	Merritt	Spragins
Blackmon	Hayes	Miller	Strother
Forrester	Jones	McWhorter	Thomas
Glenn	Leith	Reese	White
Gunn	Lowe	Reynolds	Wilson
			—20.

And said bill as thus amended, was read a third time,  
at length and passed.

Yeas, 22; nays, 0.

Yeas:

Messrs:

Barbour	Hamner	Lowe	Reese
Blackmon	Hayes	Merritt	Spragins
Davis	Horton	Miller	Strother
Forrester	Jones	McWhorter	Thomas
Glenn	King	Overton	Wilson
Gunn	Leith		

—22.

The bill:

H. 206. To repeal an act entitled an act to regulate the trial of misdemeanors in the county of Elmore, approved December 14, 1898, and to provide for the re-transfer of pending causes from said county court to the circuit court of said county, and the enforcement of judgments already rendered in said county court.

Was read a third time at length and passed.

Yeas, 23; nays, 0.

Yeas:

Messrs:

Barbour	Hayes	Miller	Spragins
Davis	Jones	McWhorter	Strother
Forrester	Leith	Overton	Teasley
Glenn	Lowe	Reese	White
Gunn	Lusk	Reid	Wilson
Hamner	Merritt	Reynolds	

—23.

The bill:

H. 95. Prohibiting the sale or giving away of spirituous, vinous or malt liquors or intoxicating beverages within two miles of the corporate limits of the town of River Falls in Covington county, Alabama, except that portion of said territory which lies within the corporate limits of the town of Andalusia.

Was read a third time at length and passed.

Yeas, 25; nays, 0.

Yeas:

Messrs:

Barbour	Horton	Merritt	Reynolds
Blackmon	Jones	Miller	Spragins
Davis	King	McWhorter	Strother
Glenn	Leith	Overton	Teasley
Gunn	Lowe	Reese	White
Hamner	Lusk	Reid	Wilson
Hayes			

—25.

The bill:

H. 78. To repeal an act entitled an act to amend an act to authorize the commissioners' court of Blount county to levy a tax for working the public roads of Blount county, and let out said roads by contract, approved October 1, 1903.

Was read a third time, at length and passed.

Yeas, 25; nays, 0.

Yeas:

Messrs:

Barbour	Hamner	Lusk	Reynolds
Blackmon	Hayes	Merritt	Spragins
Davis	Jones	Miller	Strother
Forrester	King	McWhorter	Thomas
Gardner	Leith	Overton	White
Glenn	Lowe	Reese	Wilson
Gunn			

—25.

The bill:

H. 146. To repeal an act entitled an act to abolish the office of county treasurer of Dallas county, and to require the tax collector and other officers of said county to deposit funds belonging to the county in the City National bank of Selma, and the Selma Savings bank to the credit of the county, and subject to the order of the court of county revenues, approved February 8th, 1877, and to provide for the election of such treasurer.

Was taken up.

Mr. Reese offered the following amendment, to-wit

Sec. 2. That the compensation of the first incumbent shall be fixed at a sum not exceeding \$1,000 in the discretion of the court of county revenues of said county.

Which was adopted.

Yeas, 25; nays, 0.

Yeas:

Messrs:

Barbour	Hayes	Merritt	Reynolds
Davis	Jones	Miller	Spragins
Forrester	King	McWhorter	Teasley
Gardner	Leith	Overton	Thomas
Glenn	Lowe	Reese	White
Gunn	Lusk	Reid	Wilson
Hamner			

—25.

And said bill as thus amended, was read a third time at length and passed.

Yeas, 27; nays, 0.

Yeas:

Messrs:

Barbour	Hamner	Merritt	Spragins
Blackmon	Hayes	Miller	Strother
Davis	Jones	McWhorter	Teasley
Forrester	King	Overton	Thomas
Gardner	Leith	Reese	White
Glenn	Lowe	Reid	Wilson
Gunn	Lusk	Reynolds	

—27.

The bill:

S. 230. To provide for the collection, compilation and publication of statistics of cotton ginned within the State; to establish a bureau of cotton statistics, and to prescribe the duties and powers of such bureau; to make appropriation for the maintenance thereof, to require ginnerers to make reports thereto; and to fix penalties for the violations of the provisions of this act.

Was taken up.

Mr. Merritt offered the following amendment to said bill:

Amend Sec. 4; add the following words "upon request" immediately following the words "failing or refusing" wherever said words occur in said bill.

Which on motion of Mr. Thomas was laid on the table.

Yeas, 18; nays, 11.

Yeas:

Messrs:

Barbour	Hinson	Overton	Thomas
Davis	Leith	Reese	White
Gunn	Lowe	Spragins	Wilson
Hamner	Miller	Teasley	Wimberly
Hayes	McWhorter		

—18.

Nays:

Messrs:

Blackmon	Glenn	King	Reid
Forrester	Horton	Lusk	Strother
Gardner	Jones	Merritt	

—11.

Mr. Gardner then offered the following amendment:

Amend Sec. 4, by striking out the following words. Beginning in line 13 as follows: It is hereby declared to be and is made unlawful for any such firm, person or corporation who shall fail or refuse to make such report, to thereafter gin any cotton until they shall have furnished to said director all information required."

Which was adopted.

Yeas, 23; nays, 2.

Yeas:

Messrs:

Barbour	Gunn	Lusk	Spragins
Blackmon	Hamner	Merritt	Strother
Davis	Hayes	McWhorter	Thomas
Forrester	Hinson	Overton	White
Gardner	Horton	Reese	Wimberly
Glenn	Jones	Reid	

—23.

Nays: Messrs. Leith and Wilson—2.

And said bill as thus amended, was read a third time at length and passed.

Yeas, 24; nays, 6.

Yeas:

Messrs:

Barbour	Hayes	McWhorter	Strother
Davis	Hinson	Overton	Teasley
Forrester	King	Reese	Thomas
Gardner	Leith	Reid	White
Gunn	Lowe	Reynolds	Wilson
Hamner	Miller	Spragins	Wimberly

—24.

Nays:

Messrs:

Blackmon	Horton	Lusk	Merritt
Glenn	Jones		

—6.

The bill:

H. 270. To make an appropriation for the compensation of the land clerk in the office of the State auditor.

Was read a third time, at length and passed.

Yeas, 23; nays, 0.

Yeas:

Messrs:

Barbour	Jones	Miller	Strother
Davis	King	Overton	Teasley
Forrester	Leith	Reese	Thomas
Gleun	Lowe	Reid	Wilson
Gunn	Lusk	Reynolds	Wimberly
Hamner	Merritt	Spragins	

—23.

The bill:

S. 180. To prohibit the sale, barter, exchange or other disposition of spirituous, vinous or malt liquors or intoxicating beverages, tonics or decoctions within the limits of Faunsdale precinct, in Marengo county, Alabama, except as the dispensary in the town of Faunsdale.

Was taken up.

The following amendment offered by the committee on Temperance, to-wit:

Amend section 2 by inserting after the word "dollars" in the 4th line, of said section, the words "nor more than five hundred dollars."

Was adopted.

Yeas, 24; nays, 0.

Yeas:

Messrs:

Barbour	Gunn	Leith	Reynolds
Davis	Hamner	Lowe	Teasley
Doster	Hinson	Lusk	Thomas
Forrester	Horton	Merritt	White
Gardner	Jones	Overtan	Wilson
Glenn	King	Reid	Wimberly

—24.

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 23; nays, 0.

Yeas:

Messrs:

Barbour	Hamner	Merritt	Strother
Blackmon	Hinson	Overton	Thomas
Davis	Jones	Reese	White
Forrester	Leith	Reid	Wilson
Glenn	Lowe	Reynolds	Wimberly
Gunn	Lusk	Spragins	

—23.

The bill:

S. 155. To amend an act entitled an act to amend section 3602 of the Code of Alabama, approved September 9th, 1903.

Was taken up.

Pending the consideration of which,

RECESS.

On motion of Mr. Jones at 1:30 o'clock p. m. the Senate took a recess until 3:30 o'clock, this afternoon.

## AFTERNOON SESSION.

The Senate reassembled at 3:30 o'clock p. m.  
A quorum was present.

## PRIVILEGES OF THE FLOOR.

Privileges of the floor were extended to Judge L. C. Coulson of Scottsboro.

## UNFINISHED BUSINESS.

The Senate proceeded to consider the unfinished business from the morning session, which was:

S. 155. To amend an act entitled an act to amend section 3602 of the Code of Alabama, approved September 9th, 1903.

Mr. Hamner offered the following amendment, to-wit:

Amend by striking out the figures "\$15,000" where they occur in the bill and inserting in lieu thereof the words, "twelve thousand."

Which on motion of Mr. Spragins was laid on the table.

Yeas, 27; nays, 3.

Yeas:

Messrs:

Barbour	Heacock	Merritt	Strother
Blackmon	Hinson	Miller	Teasley
Forrester	Jones	McWhorter	Thomas
Gardner	King	Overton	White
Glenn	Leith	Reese	Wilson
Gunn	Lowe	Reynolds	Wimberly
Hayes	Lusk	Spragins	

—27.

Nays: Messrs. Hamner, Horton and Reid—3.

Mr. Spragins offered the following amendment, to-wit:

To amend by substituting the words "ten thousand" in place of the words, "fifteen thousand" wherever the said words "fifteen thousand" occur.



Which on motion of Mr. Gardner was laid on the table.

Yeas, 22; nays, 9.

Yeas:

Messrs:

Blackmon	Heacock	Merritt	Reynolds
Forrester	Hinson	Miller	Teasley
Gardner	Jones	Moody	Thomas
Glenn	King	McWhorter	Wilson
Gunn	Leith	Reese	Wimberly
Hayes	Lusk		

—22.

Nays:

Messrs:

Barbour	Lowe	Reid	Strother
Hamner	Overton	Spragins	White
Horton			

—9.

Mr. Barbour made a motion to recommit the bill to the committee on Education, and on motion of Mr. Gardner said motion was laid on the table.

Yeas, 18; nays, 11.

Yeas:

Messrs:

Forrester	Heacock	Miller	Reynolds
Gardner	Horton	Moody	Thomas
Glenn	Leith	McWhorter	Wilson
Gunn	Lusk	Reese	Wimberly.
Hayes	Merritt		

—18.

Nays:

Messrs:

Barbour	Jones	Overton	Strother
Blackmon	King	Reid	White
Hamner	Lowe	Spragins	

—11.

Mr. McWhorter offered the following amendment, to-wit:

Amend by striking out the words "fifteen thousand" where they occur in the bill and inserting in lieu thereof, the words "thirteen thousand."

Which on motion of Mr. Gardner was laid on the table.

Yeas, 18; nays, 12.

Yeas:

Messrs:

Blackmon	Heacock	Merritt	Reynolds
Gardner	Hinson	Miller	Teasley
Glenn	Jones	Moody	Thomas
Gunn	Leith	Reese	Wimberly
Hayes	Lusk		

—18.

Nays:

Messrs:

Barbour	King	Overton	Strother
Hamner	Lowe	Reid	White
Horton	McWhorter	Spragins	Wilson

—12.

Mr. Blackmon offered the following resolution:

"Resolved, that further action on this bill be postponed until the passage of the bill making an appropriation for the common schools of Alabama."

Which resolution was immediately considered; and on motion of Mr. Reynolds was laid on the table.

Yeas, 17; nays, 14.

Yeas:

Messrs:

Forrester	Heacock	Miller	Reynolds
Gardner	Leith	Moody	Teasley
Glenn	Lusk	McWhorter	Wilson
Gunn	Merritt	Reese	Wimberly
Hayes			

—17.

Nays:

Messrs:

Barbour	Horton	Overton	Strother
Blackmon	Jones	Reid	Thomas
Hamner	King	Spragins	White
Hinson	Lowe		

—14.

Mr. Spragins offered the following amendment, to-wit:

Provided that each graduate of a normal school shall be required to teach in the public schools of the State as many years as he goes to such school.

Which on motion of Mr. Gardner was laid on the table; and the bill was read a third time, at length, and passed.

Yeas, 20; nays, 11.

Yeas:

Messrs:

Forrester	Heacock	Lusk	Reynolds
Gardner	Hinson	Merritt	Teasley
Glenn	Horton	Miller	Thomas
Gunn	Jones	Moody	Wilson
Hayes	Leith	Reese	Wimberly

—20.

Nays:

Messrs:

Barbour	King	Overton	Strother
Blackmon	Lowe	Reid	White
Hamner	McWhorter	Spragins	

—11.

#### PROTEST.

Mr. Blackmon filed the following protest:

Protest of Mr. Blackmon, from Calhoun:

I cannot vote for this bill because the bills providing for an increase of the funds for the common schools are still in the hands of the committee, and have not been reported. I see no reason for passing this bill for the normal schools or for other schools until the bill for the increased appropriation for the common schools has passed.

#### REPORT FROM THE COMMITTEE ON ENGROSSED BILLS.

Mr. President:

The committee on Engrossed Bills have examined and compared the following Senate bills:

S. 210. To provide for the appointment of a joint committee to read and revise the manuscript of the new

Code, prepared by Hon. James J. Mayfield, and to prescribe its powers and duties and to fix the compensation of the committee and clerks and provide for their pay and expenses.

S. 184. An act to amend section one of an act entitled an act to incorporate the town of West Blocton, Bibb county, Alabama, so far as said section relates to the boundary lines of said town," approved March 4th, 1901.

And find the same correctly enrolled.

Frank S. Moody,  
Chairman.

#### SIGNING OF BILLS.

The President of the Senate, in the presence of the Senate, immediately after their titles had been publicly read by the secretary, signed the above Senate bills, the titles of which are set out in the foregoing report from the committee on Enrolled Bills, the reading at length having been dispensed with by a two-thirds vote of a quorum of the Senate present.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has adopted the joint resolution herewith sent:

By Mr. Carmichael, of Colbert:

H. J. R. No. 110. Resolved, by the House, the Senate concurring, That the Speaker of the House and the President of the Senate be requested to erase their signatures from House Bill 70, "To authorize the cities of Tusculumbia and Sheffield and the towns of Leighton and Cherokee, in Colbert county, to establish and operate dispensaries in such incorporated cities and towns for the purpose of buying and selling spirituous, vinous and malt liquors and to provide for the distribution of certain profits arising therefrom and to further regulate or prohibit the sale, barter or exchange of such liquors in said

county," in order that the same may be correctly enrolled.

Cyrus B. Brown,  
Clerk.

HOUSE MESSAGE.

On motion of Mr. McWhorter the Senate concurred in the foregoing House joint resolution No. 110 set out in the foregoing message from the House.

MESSAGE FROM THE HOUSE.

Mr. President:

The Speaker of the House, under a joint resolution heretofore adopted, having erased his signature from the bill, H. 70, "To authorize the cities of Tuscumbia and Sheffield and the towns of Leighton and Cherokee in Colbert county to establish and operate dispensaries in such incorporated cities and towns for the purpose of buying and selling spirituous, vinous and malt liquors, and to provide for the distribution of certain profits arising therefrom, and to further regulate or prohibit the sale, barter or exchange of such liquors in said county," you are requested to erase your signature from the bill, H. 70.

Cyrus B. Brown,  
Clerk.

HOUSE MESSAGE.

The President of the Senate, in the presence of the Senate, immediately after its title has been publicly read by the secretary, erased his signature from H. 70, the title to which is set out in the foregoing message from the House, in accordance with the House joint resolution, heretofore concurred in.

ADJOURNMENT.

At 5:30 o'clock p. m. the Senate, on motion of Mr. Gunn, adjourned until tomorrow morning at 10:30 o'clock.

# TWENTY-FIFTH DAY.

Thursday, February 14, 1907.

The Senate met pursuant to adjournment.  
Prayer by Rev. Dr. Wasson, of Tuscaloosa.

## ROLL CALL.

Present:

Mr. President, and

Messrs:

Barbour	Hamburger	Lowe	Reynolds
Bayles	Hamner	Lusk	Spragins
Blackmon	Hayes	Merritt	Strother
Davis	Heacock	Miller	Teasley
Doster	Hinson	Moody	Thomas
Forrester	Horton	McWhorter	White
Gardner	Jones	Overton	Wilson
Glenn	King	Reese	Wimberly
Gunn	Leith	Reid	

—35.

## JOURNAL.

On motion of Mr. Merritt the reading of the Journal of yesterday was dispensed with and the same was approved.

## PRIVILEGES OF THE FLOOR.

The privileges of the floor were extended to Messrs. S. E. Wasson, Tipton Mullins, Jno. B. Weakley, C. C. NeSmith, L. A. Carey, B. H. Cooper, W. H. Ferguson, J. G. Miller, W. S. Forman.

## SENATE JOINT RESOLUTION NO. 46.

Mr. Spragins offered the following joint resolution:

S. J. R. 46. Resolved, by the Senate, the House concurring, That when the Legislature adjourns at the close of the thirtieth (30) legislative day, it shall stand ad-

journed until Tuesday the 16th day of July, 1907, at twelve o'clock noon.

Which was read and referred to the committee on Rules.

#### REPORT FROM COMMITTEE ON ENGROSSED BILLS.

Mr. Spragins, from the committee on Engrossed Bills, made the following report:

The committee on Engrossed Bills report that they have examined Senate bills numbered 155, 180, 185 and 236, and compared them with the original bills respectively and found them to be correct.

Feby. 13th, 1907.

Robt. E. Spragins,  
Chairman.

#### REPORT OF COMMITTEE ON REVISION OF THE JOURNAL.

Mr. Leith, from the committee on Revision of the Journal, made following report:

Mr. President:

We, the committee on Revision of the Journal, report that we have, in session, examined the Senate Journals for the 22d, 23d and 24th legislative days and find same to be correct.

M. L. Leith,  
Chairman.

#### INTRODUCTION OF BILLS.

On a call of the districts, bills were introduced, read one time and referred to appropriate standing committees, as follows:

By Mr. Lowe:

S. 305. To enlarge the powers of the board of trustees, hereafter to be known as the board of education of the school district of New Decatur.

Local Legislation.

With notice and proof as follows:

NOTICE.

Is hereby given that a bill will be introduced in the present Legislature, to be enacted into law, the substance of which is as follows:

1st. To require the State funds apportioned to the school district of New Decatur to be paid to the treasurer of said school district.

2nd. To require the superintendent of the public schools of said district to report to the State superintendent of education.

3rd. To authorize the trustees of said district, hereafter to be known as the board of education of New Decatur, to impose an incidental fee, not to exceed \$3.00 per scholar for each school year, to be payable on enrollment of each scholar.

January 15th, 1907.

J. C. Eyster.

The State of Alabama, }  
Morgan County. }

Before me, M. C. Burch, a notary public in and for said State and county, personally appeared J. C. Orr, who being duly sworn, deposes and says that he is editor and publisher of the Morgan County Times, a semi-weekly newspaper published in New Decatur, Morgan county, Alabama; that the foregoing notice in reference to the school district in New Decatur, containing the substance of the accompanying bill, has been published once a week for four consecutive weeks in said Morgan County Times prior to this date.

J. C. Orr.

Sworn to and subscribed before me, this the 12th day of Feby., 1907.

M. C. Burch,  
Notary Public.

By Mr. Reese:

S. 306. To provide for the change of name, and otherwise amending the charters of educational institutions



of collegiate rank, which have been established by an act of the General Assembly of Alabama, approved October 1st, 1903.

#### Education.

By Mr. Blackmon:

S. 307. To authorize the court of county commissioners or board of revenue of any county authorized to levy a special tax for working the public roads to transfer to the road fund any surplus of general county funds in the county treasury.

#### Privileges and Elections.

By Mr. Reese:

S. 308. To prescribe the punishment of any person convicted of assault with intent to ravish.

#### Revision of Laws.

By Mr. McWhorter:

S. 309. To provide for the protection, custody and maintenance of minor children under fourteen years of age whose parents or guardians are morally unfit.

#### Public Health.

By Mr. Gardner:

S. 310. Conferring on railroads operating in the State of Alabama, the right to acquire lands for depots, freights yards and team tracks by condemnation proceedings, in the mode prescribed by law, after application for permission to bring such condemnation proceeding has first been submitted to and approved by the railroad commission of Alabama.

#### Judiciary.

By Mr. Teasley:

S. 311. To promote and encourage agriculture, the raising of live stock and kindred interests, in the State of Alabama, by appropriating annually the sum of twenty-five thousand dollars out of any moneys in the treasury not otherwise appropriated to be paid in premiums for exhibits of live stock, agriculture and kindred exhibits, to be made on the following fair grounds, Alabama Agricultural Associations, Vandiver Park, Montgomery, Ala., \$8,500.00; Central Alabama Fair Association Grounds, at Selma, Ala., \$4,000.00; State Fair grounds, Birmingham, Ala., \$8,500.00; Tennessee Valley

Fair Association Grounds, Huntsville, Ala., \$4,000.00, and to exempt from the payment of license and taxes, State, county and municipal, all the businesses, trades, professions, exhibits and industries that may be carried on on said fair grounds, during the annual fair to be held by each of said Fair Associations.

Finance and Taxation.

By Mr. Teasley:

S. 312. To provide for the appointment of an official stenographer for the city court of Montgomery, to prescribe his duties and to fix his compensation.

Local Legislation.

With notice and proof as follows:

NOTICE.

Notice is hereby given that a bill will be introduced and its passage sought at the present session of the Legislature of Alabama to provide an official stenographer for the city court of Montgomery, to prescribe his duties and to fix his compensation.

The State of Alabama, }  
Montgomery County. }

Before me, Porter McKay, a notary public, personally appeared Horace Hood, who being duly sworn, deposes and says that he is the editor of the Montgomery Journal, a newspaper published in the city and county of Montgomery, State of Alabama, and that the above and foregoing notice was published in said Montgomery Journal for four consecutive weeks, the first insertion being on the 25th day of January, A. D., 1907.

Horace Hood.

Sworn to and subscribed before me, this 13 day of February, A. D., 1907.

Porter McKay,

Notary Public, Montgomery Co., Ala.

By Mr. Reese:

S. 313. To provide for the making of the bond of all State officers required to make bonds to make such bond

through guarantee companies and to make appropriation for the payment of premiums on same.

Finance and Taxation.

By Mr. Blackmon :

S. 314. To provide for the taking of the census of the school children in the State of Alabama, and to provide punishment for the making of false enumerations.

Education.

By Mr. Forrester :

S. 315. To authorize the town of Dothan to establish, maintain, regulate and make efficient a dispensary in the town of Dothan, and to provide for the operation and carrying on of such dispensary by the said town of Dothan, and for a distribution of the net proceeds of the said dispensary.

Temperance.

With notice and proof as follows :

#### NOTICE.

Notice is hereby given that application will be made to the present session of the Legislature to pass the following law :

An act to authorize the town of Dothan to establish, maintain, regulate and make efficient, a dispensary in the town of Dothan, and to provide for the operation and carrying on of such dispensary by the said town of Dothan, and for a distribution of the net proceeds of the said dispensary.

Section 1. Be it enacted by the Legislature of Alabama, That on and after the passage of this act, the town of Dothan, Houston county, Alabama, shall conduct and carry on in its corporate name, and in its corporate capacity, the business of buying and selling spirituous, vinous and malt liquors, subject to the conditions and restrictions hereinafter mentioned. The place at which said business is carried on shall be called a dispensary, and the said town of Dothan shall have but one dispensary and no liquor shall be sold in the said town of Dothan except in said dispensary.

Section 2. That the said town of Dothan, by its dispensary board hereinafter created, shall invest in said dispensary business a sum of money of not less than five thousand dollars nor more than ten thousand dollars, and the liquor bought and sold by said dispensary shall be of the purest and the best quality.

Section 3. That the office of dispenser in said dispensary in the said town of Dothan is hereby created; and there shall be but one dispenser in said dispensary, with such other clerks and aid as may be necessary for the proper carrying on of said dispensary; and the term of office of said dispenser shall be one year, and said dispenser shall hold office until his successor is elected and qualified.

Section 4. That the said town of Dothan shall operate, carry on the business of said dispensary by and through the following male citizens who are qualified electors of the town of Dothan, who shall be known, and are hereby made the agents and employees of said town of Dothan, to constitute and make a dispensary board, to-wit: John Sanders, F. C. Baker, Robert Boyd, J. L. Crawford and R. C. Williams; and the said five citizens of the said town of Dothan constituting said dispensary board, and as the agents and employees of the said town of Dothan, shall carry on, do the business of, and operate said dispensary in the name of and for the said town of Dothan for five years from the approval of this act; and the terms of office of the members of said dispensary board shall be and is hereby made five years from the approval of this act; and they and each of them, shall qualify within ten days after the approval of this act, by taking and subscribeing, each for himself, an oath that he will faithfully and honorably discharge all duties of a member of the dispensary board of the town of Dothan; and by making a bond in the sum of one thousand dollars, payable to the town of Dothan, and approved by the mayor and council of said town, conditioned to faithfully discharge all the duties required of him as a member of the dispensary board; and the said dispensary board shall elect one of their number to be treasurer of said dispensary, whose term of office shall

be for six months from the date of his election, and until his successor is elected and qualified; and a good and sufficient bond in the sum of ten thousand dollars, payable to the town of Dothan, and conditioned that he shall faithfully discharge all the duties required of him as such treasurer, to be approved by the mayor and council of said town and such treasurer shall receive no salary. The said dispensary board shall elect one of their number to be secretary of said board, whose duties it shall be to accurately keep the books of said dispensary so as to disclose at all times accurate information as to the condition, expenses, profits, losses and status of said dispensary business, and shall make report of same as the law governing and the requirement of the dispensary may require, and to do and perform all other acts usual to secretaries of business concerns; and such secretary shall receive for his services, the sum of one hundred dollars; that each member of said dispensary board shall receive the sum of five dollars for each and every regular session of the meetings of the said board actually attended by him, and no member of said board shall receive any pay for any meeting except for regular meetings, as provided for in this act, and actually attended by him.

Section 5. That upon the death, resignation or failure to act, of any of said members of said dispensary board, or any successor thereof, the governor of Alabama shall make appointment to fill such vacancy, and the term of such appointee shall be for the unexpired term of the member in whose place he was appointed; and at stated periods of every five years, after the approval of this act the governor of Alabama shall appoint a dispensary board for the town of Dothan, consisting of five male citizens of the town, who shall be qualified electors of said town, and whose duty it shall be to carry on, operate and do the business of said dispensary in the town of Dothan, in the name of and for said town.

Section 6. That the said board of dispensary shall do and perform all acts and things necessary and proper, in the name of and for the said town of Dothan, to carry on, operate and do the business of said dispensary; and

shall employ the dispenser for said dispensary, and all such other clerks and aid as may be necessary to the operation of said dispensary by said town.

Section 7. That the said town of Dothan, through and by its said board of dispensary shall meet in regular session on the first Tuesday after the first Monday in each month, and at such regular session shall buy any and all spirituous, vinous or malt liquors and other things or itmes of merchandise to be bought and carried by said dispensary; and shall not for any reason or under any circumstances make all purchases at such regular session, and such buying shall be open and in the presence of and as the joint act of the entire members of such dispensary board and such other persons as may desire to be present; and all orders given for such purposes shall be in writing, and in duplicate and shall be signed, by such member of the dispensary board, in person.

Section 8. That the said town of Dothan, in its said dispensary, shall not carry more in stock than ten thousand dollars, but within said limit of ten thousand dollars, shall at all times keep a complete stock of spirituous, vinous and malt liquors.

Section 9. The said dispenser of said dispensary shall do and perform all the duties of his office as required of him by said town, under and through said dispensary board, and he shall execute to the town, a bond for the sum of two thousand and five hundred dollars, conditioned that he will honestly and faithfully discharge all his duties as such dispenser and said bond shall be approved by the mayor and council of said town. The said dispenser shall be discharged for the neglect of business, incompetency, misfeasance or malfeasance in office by the said town of Dothan, acting through and by its said dispensary board; and upon the removal or discharge, or upon the death or resignation of such dispenser the said town of Dothan by its said dispensary board, shall elect his successor and the salary of the dispenser of said dispensary, and the salary of such other clerks and aid as the dispensary may employ, shall be fixed and paid by the said town of Dothan,

through and by its said dispensary board; and the said town of Dothan shall not make or permit the salary of the dispenser any clerk or aid, to depend on the amount of the sales that may be made by its dispensary.

Section 10. The said town of Dothan, for its dispensary, shall not sell any liquor of any kind in any quantity less than one half pint, and it shall not make any sales between sundown of one day and sunrise of the next day.

Section 11. That any person who drinks or consumes any liquor in said dispensary shall be guilty of a misdemeanor, and upon conviction, shall be fined not less than fifteen dollars nor more than one hundred dollars.

Section 12. The said town of Dothan, through the dispensary, shall not sell any spirituous, vinous or malt liquor or intoxicating drinks of any kind that are not contained in sealed packages; the said town shall not receive or keep any broken packages in its said dispensary, and if any original package should be broken, the contents shall at once be bottled and the bottle sealed.

Section 13. The said dispensary board, for and in the name of, and as the agent of said town of Dothan shall keep an accurate account of all purchases, and the amount of each day's sale. The said dispensary board shall make to the mayor of the town of Dothan monthly reports, so as to furnish full and accurate information as to the condition, expenses, profits, losses and status of said dispensary business, and shall make other and additional report, oral and in writing, whenever, and as often as the said mayor may require.

Section 14. On the first days of January, April, July and October of each year, the said town of Dothan, through and by its said dispensary board shall pay into the treasury of the town of Dothan, one-third of the net profits made by the said town in its dispensary; and shall pay into the treasury of the Dothan city school, one-third of the net profits made by the said town of Dothan in its dispensary, and shall pay to the superintendent of education of Houston county, one-third of the net profits made by the said town in its dispensary, as a part of the school fund of said county, to be appropri-

ated to the various schools of said county in accordance with the school census of said county and the county superintendent of education for said county shall be entitled to and shall receive out of said school fund, four per cent commissions as compensation for the disbursement of said fund, and the said town of Dothan shall pay, through and by its said dispensary board, a State and county license for each year, as shall be required by law.

Section 15. No gates, doors, windows or openings shall connect any dispensary with any adjacent house or lot or street, so as to permit ingress or egress into or out of such house or lot from and into the dispensary.

Section 16. That all laws and parts of laws in conflict with the provisions of this act are hereby repealed.

Section 17. This act shall go into effect immediately upon its approval.

B. G. Farmer,  
J. B. Dell,  
W. F. Ussery.

The State of Alabama, }  
County of Houston. }

Before me, Nannie McAlley, a notary public, in and for said county, personally came W. F. Ussery, known to me to be the editor and manager of Wire Grass Siftings, a weekly newspaper published in said county, who, being by me duly sworn, deposes and says that he is the editor and manager of Wire Grass Siftings, a weekly newspaper that is published at Dothan in Houston county, Alabama, and that the attached notice was published once a week for four successive weeks in said newspaper before the making of this affidavit.

W. F. Ussery.

Sworn to and subscribed before me, this the 9th day of February, A. D., 1907.

Nannie McAlley,  
Notary Public.



## REPORTS OF COMMITTEES.

Mr. Miller chairman of the standing committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report.

S. 250. For the relief of W. A. Singleton and B. G. Singleton of Marengo county, Alabama, for the over payment of money for the purchase of school lands in section 16, township 12, range 1, west.

Also, with amendment.

H. 24. To make appropriations for the support and maintenance of the public schools of the State.

Mr. Merritt, chairman of the standing committee on Local Legislation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report.

S. 289. Declining on the part of the State of Alabama to accept for the purpose of establishing an Industrial School for indigent white girls and young ladies of the State, that certain property in Marion, Perry county, Alabama, formerly known as Howard College and now used and known as the Marion Military Institute.

Also,

S. 266. To make the offices of judge of the city court of Anniston and the clerk of the city court of Anniston, in Calhoun county, Alabama, elective by the qualified electors of Calhoun county, Alabama, and to prescribe their terms of office.

Also,

S. 264. To amend section 2 of an act entitled "an act to establish a charter for the town of Lineville, Clay county, Alabama, "approved December 14th, 1898.

Also,

S. 261. To ratify and make legal all claims issued to State witnesses from March 6th, 1903, to June 9th, 1905, by the clerk of the circuit court of Walker county, or by the judge of the county court of Walker county, or by the person acting as and claiming to be judge of the county court of said county, or the clerk or person act-

ing as clerk of said court, or issued by the foreman of any grand jury organized under what is known as the 14th judicial circuit act, approved March 6th, 1903.

Also,

S. 288. To constitute and establish that certain subway, now in course of construction and completion, under authority of an ordinance of the city of Birmingham, Alabama, and extending underneath Twenty-sixth street, north, and Twenty-seventh street, north, in the city of Birmingham, Ala., and between the western boundary line of said Twenty-sixth street, north, and the eastern boundary line of Twenty-seventh street, north, as a part of Fifth Avenue in said city, in lieu of all that part of Fifth avenue as heretofore constituted and established lying over and above and outside of said subway, and between said Twenty-sixth and Twenty-seventh streets, and which is abandoned and discontinued as a public street, or highway.

Also,

S. 251. To prohibit the sale, delivery or other disposition of miner's oils, or any materials or substitutes for miner's oils, to be used in the mines in Jefferson county, Alabama, without the official brand, stamp, label or stencil of the inspector of miner's oils for Jefferson county, Alabama, being affixed or attached to the barrel, package, cask, or vessel in which the article sold, delivered or disposed of is contained at the time of the disposition of delivery, and to provide for and regulate the payment of fees to such inspector for affixing such official brand, stamp, label or stencil and to regulate the charges and fees to be paid therefor.

Also,

S. 249. To provide for the purchase of two surveyor's transits for the two commissioned county surveyors for Calhoun county at the expense of Calhoun county.

Also,

H. 150. To amend an act to amend section 909 of the code of 1896, approved February 28th, 1903, so far as the same relates to the times of holding the circuit court in Marion county, Alabama.

Also,

H. 374. For the improvement of the public roads of Tuscaloosa county.

Also,

H. 96. To provide for the payment of certain fine and forfeiture funds in the hands of the clerk of the circuit court of Cullman county, Alabama.

Also,

H. 356. To better provide for maintaining and keeping in repair public roads of Monroe county.

Also,

H. 339. To provide for the better working and maintaining of the public roads in Sumter county.

Also,

H. 464. To amend an act to incorporate a separate school district in Elmore county to be known as the Tallassee school district approved February 23, 1899.

Also,

H. 157. To regulate the compensation of persons serving or summoned as grand or petit jurors in Mobile county.

Also,

H. 376. To amend an act entitled an act to create a board of public works for Tuscaloosa county, Alabama, and to define the powers and duties thereof by adding thereto a section to be numbered section A. so as to make the members of the said board elective by the qualified electors of Tuscaloosa county at the general election in 1908 and at the general election every four years thereafter, and by adding a section to be numbered section 1 B. providing that the members of said board heretofore appointed by the governor and holding office on the date of the approval of this act shall continue in office until the qualifications of their successors elected at the general election in 1908.

Also,

H. 158. To provide for and regulate the mode of selecting, drawing and empanelling grand and petit jurors for the county of Mobile.

Also,

H. 115. To prohibit the sale, giving away or otherwise disposing of spirituous vinous or malt liquors intoxicating bitters of cordials or fruits preserved in alcoholic liquors or other intoxicants in Fayette county, Alabama, if a majority of the votes cast in the election herein provided be in favor of prohibiting to provide for the holding of said election and to further regulate the handling ordering or other disposition of spirituous vinous or malt liquors or other intoxicants in said county.

Also,

H. 278. To rearrange the boundaries of the town of Oxford in Calhoun county, Alabama.

Also,

H. 499. To authorize the county of Lee to borrow money not exceeding the current revenue of said county for any one year in the discretion of the court of county commissioners of said county.

Also,

H. 174. To provide for the appointment by the court of county commissioners of Talladega county, Alabama, of an official stenographer for said county, to define his duties and provide for his compensation.

Also,

H. 528. To repeal an act entitled an act to provide for the payment of fines and forfeitures in Tallapoosa county, Alabama, approved February 17, 1899.

Also,

H. 507. To appropriate the sum of \$22.65 for the year 1904 and the further sum of \$30.00 for the year 1905, to T. T. Herbert as a confederate pensioner for said years his name having been erroneously omitted from the list of pensioners for said years.

Also,

H. 382. To repeal an act entitled an act to incorporate the Jackson Club, approved February 23, 1899.

Also,

H. 383. To repeal an act entitled an act to incorporate the Olivet Club, approved February 18, 1895.

Also,

H. 387. To repeal an act entitled an act to confirm the incorporation of the Shakespeare Club of Birmingham, Alabama, and change the name of said club to the Alabama Club and to enlarge the powers and capabilities of said club approved February 18, 1891.

Also,

H. 385. To repeal the charter of the Shakespeare Club of Birmingham, Alabama.

Also,

H. 386. To repeal an act entitled an act to incorporate the Leisure Hour Club of Birmingham, Alabama, approved February 23, 1899.

Also,

H. 79. To provide a better system of public roads for Blount county.

Also,

H. 49. To provide for holding the circuit court in St. Clair county Alabama, to divide the said county into two judicial divisions to regulate the said court and the jurisdiction of and the proceedings in and relating to the same.

Also,

H. 50. To authorize the town of Pell City, in St. Clair county to establish and operate a dispensary for the purpose of buying and selling spirituous vinous and malt liquors and to provide for the distribution of certain profits arising therefrom, and for the purpose of better controlling and regulating the sale of such liquors upon the casting of a majority vote in favor of such dispensary at an election to be held by the qualified voters of precincts 10, 12, 15, 16, 19, 13, 14, 11, in St. Clair county on the 2nd Monday of April 1907, and upon the casting of a majority vote against such dispensary at the election herein provided for to repeal the act approved February 28th, 1903, establishing a dispensary at Pell City, the repeal to take effect December 31st, 1907.

Also,

H. 338. To provide for the maintenance, improvement and protection of the public roads and bridges of St. Clair county, Alabama, and to provide for a special

road tax therefor; also for the purchase of implements, teams, and other things necessary in the construction, and improvement of the same; to pay for the same either out of the general fund for the county of the special road fund. Providing for the appointment by the commissioners court of said county of a road superintendent or superintendents and surveyor, fixing their pay, defining their duties and conferring special powers on the commissioners court of said county. Providing further the method of employing hands and how certain parties may be required to take out a license for the use of said public roads, providing the method of appointing apportioners and overseers and defining their duties and how they may be excused from serving as such. Defining the road year and those liable to road duty, the time they may be required to work, prescribing the manner in which they may pay in lieu of work to the tax collector of said county, and his duty as to same, and the method of warning hands and defining those who are exempt from road duty.

Also,

H. 433. To authorize the court of county commissioners of Marion county to order the county treasurer of said county to pay the outstanding warrants of said county, given for the repairs of the jail of said county, out of the general fund of said county and to further authorize said court to use at any time any balance that may be in the general fund at the end of any year for any public improvement in said county and to authorize the county treasurer to honor warrants drawn for said purposes.

Mr. Brown

H. 521. To abolish the county court of Cleburne county, Alabama, to take effect on the first day of May 1907, to provide for the transfer and disposition of the suits and causes pending therein and of all the proceedings for remedial writs pending before the judge of said court or before said court at said date and of the dockets, records and papers of said court to provide for the enforcement of the orders, judgments and decrees of said

abolished court and for the collection of unpaid fees and cost earned therein and to regulate from and after said date the process issued from and returnable to said court and bonds and recognizances pertaining to proceedings therein.

Also,

H. 166. To amend section ten (10) of an act entitled an act to regulate the trial of misdemeanors in Morgan county approved February 23, 1899.

Mr. McWhorter, chairman of the standing committee on Temperance, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report.

S. 241. To prevent the sale of intoxicating liquors within certain limits in the corporate limits of the city of Talladega and to punish violations of the same.

Also,

H. 128. To prohibit regulate and restrict the sale or other disposition of intoxicating liquors drinks or beverages within the State of Alabama by providing for elections in the various counties of the State to determine whether the sale or other disposition of such intoxicating liquors drinks or beverages shall be so prohibited regulated and restricted.

The foregoing bills contained in said committee reports were severally read a second time and placed on the calendar.

#### TO TAKE FROM ADVERSE CALENDAR.

Mr. Gardner made a motion pursuant to notice heretofore given to take from the adverse calendar, and put it on a second reading Senate bill No. 81.

S. 81. To amend section three of an act entitled an act to amend sections 1713, 1714, 1717, 1718, 1719 and 1720 of the code approved Oct. 1st, 1903.

Mr. Reese moved to lay said motion on the table which motion prevailed.

Yeas, 25; nays, 5.

Yeas:

Messrs:

Barbour	Hayes	Leith	Reid
Blackmon	Heacock	Lowe	Spragins
Davis	Hinson	Merritt	Strother
Doster	Horton	Moody	Teasley
Forrester	Jones	Overton	Thomas
Glenn	King	Reese	White
Hamner			

—25.

Nays:

Messrs:

Gardner	Miller	McWhorter	Wilson
Lusk			

—5.

Mr. Reese, made a motion, pursuant to a notice heretofore given, to call from adverse calendar Senate resolution No. 10. Relating to relieving the Senator from Dallas from further service on the committee on the revision of the Journal.

Mr. Lusk made a motion to table the motion offered by Mr. Reese, which motion was lost.

Yeas, 6; nays, 20.

Yeas:

Messrs:

Doster	Leith	Overton	Strother
Horton	Lusk		

—6.

Nays:

Messrs:

Barbour	Hayes	Miller	Spragins
Blackmon	Heacock	Moody	Teasley
Davis	Hinson	McWhorter	Thomas
Glenn	Jones	Reese	White
Hamner	King	Reynolds	Wilson

—20.

Said resolution was adopted and the Senator excused from further service on said committee. The president of the Senate then announced the appointment of Sen-



ator Reynolds as member of the Committee on Revision of the Journal, to fill the vacancy caused by the retirement of Senator Reese.

SPECIAL ORDER SET.

On motion of Mr. McWhorter House bill No. 128.

H. 128. To prohibit, regulate and restrict the sale or other disposition of intoxicating liquors, drinks or beverages, within the State of Alabama by providing for elections in the various counties of the State, to determine whether the sale or other disposition of such intoxicating liquors, drinks or beverages, shall be so prohibited regulated and restricted.

Was made a paramount, special, continuing, exclusive order for 12 o'clock m., on Monday February 18th, 1907.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has received the accompanying message and proposed amendments from the governor to the bill:

H. 111. Relating to the preservation, propagation and protection of game animals, wild birds and fish: establishing a department of game and fish, creating the office of State Game and Fish Commissioner, and providing for his election and compensation; creating the offices of county Game and Fish Warden, and deputy Game and Fish Warden and providing for their appointment and compensation; creating a game and fish protection fund and appropriating money therefrom.

The House has adopted the amendments proposed by the governor by a majority vote of the whole number elected to the House.

Yeas, 78; nays, 0.

And herewith sends the same to the Senate for its consideration.

Cyrus B. Brown, Clerk.

## HOUSE MESSAGE.

The Senate adopted and concurred in the following amendments proposed by the governor to House bill No. 111, (the title of which is set out in the foregoing message from the House), by a majority vote of the whole number elected to the Senate.

Yeas, 23; nays, 0.

Yeas:

Messrs:

Barbour	Hayes	Lusk	Spragins
Davis	Hinson	Merritt	Strother
Gardner	Horton	Moody	Thomas
Glenn	Jones	McWhorter	Wilson
Gunn	King	Overton	Wimberly.
Hamner	Lowe	Reynolds	

—23.

To-wit:

To the House of Representatives:

I herewith return House bill No. 111 entitled "an act relating to the preservation, propagation and protection of game, animals, wild birds and fish; establishing a department of game and fish, creating the office of State game and fish commissioner, and providing for his election and compensation; creating the offices of county game and fish warden and deputy game and fish warden, and providing for their appointment and compensation; creating a game and fish protection fund and appropriating money therefrom; and I propose the following amendments which will remove my objections to the bill, viz:

Amend section 11 by striking out therefrom the word "fifteen" and inserting in lieu thereof the words "twenty-five."

Amend section 18 by striking out the words "and assistant." Also amend said section 18 by inserting therein immediately after the word "authorized" the following words "upon the approval of the Governor." Also amend said section 18 by adding immediately after the last word in said section the following words: "and the clerk authorized by this act shall receive two dollars per

day while engaged in such service. The office and accounts of the State game and fish commissioner shall be audited by the direction of the governor in the same manner as the office and accounts of any other State office are audited." Also amend said section 18 by striking out the words "state auditor" where said words first appear together in said section, and by substituting in lieu of said words the word "governor." Also amend section 18 by inserting immediately before the words "the state auditor" where said words last appear in said section, the following words: "upon the approval of such accounts by the governor."

Amend section 22 by inserting after the word "act" the words: "upon the approval of the governor." Also amend section 22 by adding immediately after the last word in said section, the following words "this expense shall be chargeable to the first money covered into the game and fish protection fund."

Amend section 23 by striking out all the words contained in said section after the word "constables."

Amend section 24 by inserting immediately after the word "appoint" the following words: "by and with the consent and approval of the governor." Also amend section 24 by striking out therefrom all the words in said section "shall be known as county game and fish warden" down to the words "said wardens," where said last named words first appear together in said section and by adding immediately after the last word in said section 24, the following words: "before entering upon the discharge of their official duties each county game and fish warden shall give bond in the sum of five hundred dollars payable to State of Alabama with two or more sureties, to be approved by the secretary of State, conditioned that he will well and truly account for and legally apply all money which may come into his hands in his official capacity, and that he will faithfully perform all the duties enjoined upon him by law."

Amend section 25 by striking out the word "precinct" and by inserting in lieu thereof the word "county."

Amend section 26 by inserting therein after the word "commissioner" the following words: "by and with the consent of the governor."

Amend section 32 by striking out the word "two" where said word appears in said section, and by inserting in lieu thereof the word "three," Also amend section 32 by adding thereto immediately after the last word of said section, the following words: "Provided the provisions of this act shall not apply to owners and tenants who are hereby allowed to hunt on their own lands in season without obtaining State license."

Amend the bill by striking out section 35. Amend the bill by adding thereto immediately after section 45, "section 45 1-2," which shall read as follows:

Section 45 1-2. "The provisions of this act shall not apply to persons hunting any of the birds or animals of this State which are not protected by the provisions of this act."

B. B. Comer, Governor.

Feb. 13, 1907.

#### CHIEF EXECUTIVE DEPARTMENT, ALABAMA.

Montgomery, Feb. 14th, 1907.

To the Senate:—I hand you herewith for your confirmation or rejection the names of such members of the board of trustees of the State University as have been elected since the last session of the legislature.

B. B. Comer, Governor.

#### TO THE SENATE OF ALABAMA.

Gentlemen:—

Acting under section two hundred and sixty-four of the constitution of Alabama I have the honor to submit the following names of trustees of the University of Alabama, elected in accordance with said section.

On May 31st, 1904, Hon. M. P. Legrand, Montgomery, was elected from the second congressional district, Hon. Daniel Pratt of Prattville was elected as trustee from the fifth congressional district, Hon. H. T. Davis of

Gadsden was elected as trustee from the seventh congressional district and Hon. James B. Webb was elected as trustee from the ninth congressional district.

Hon. James B. Webb having resigned, Hon. Hugh Morrow of Birmingham was on May 30, 1905, elected to fill the vacancy existing in the ninth congressional district.

On May 30th, 1906 the following were elected to succeed those trustees whose terms expired at that time. Hon. E. H. Glenn of Seale was elected as a trustee from the third congressional district. Hon. Henry B. Foster of Tuscaloosa was elected as a trustee from the sixth congressional district and Hon. Thomas C. McClellan of Athens was elected as a trustee from the eighth congressional district.

Harry C. Gunnels,  
Supt. of Education.

#### GOVERNOR'S MESSAGE. •

The following message was read once and referred to the committee on education.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The Speaker of the House having signed the following House bills your signature thereto is requested:

H. 86. An act to authorize and require the commissioner's court of Clarke county, Alabama, to set apart and appropriate money from the general funds of said county with which to pay and discharge certificates of State witnesses issued by the foreman of the grand jury and by the clerk of the circuit court of said county, fees which by law become a good claim against the fine and forfeiture fund of said county, after the approval of this act, and to regulate the manner of said payments and fixing the amount of said witness fees.

H. 78. An act to repeal an act entitled an act to amend an act to authorize the commissioners court of Blount county to levy a tax for working the public roads

of Blount county, and let out said roads by contract, approved October 1, 1903.

H. 95. An act prohibiting the sale or giving away of spirituous, vinous or malt liquors or intoxicating beverages within two miles of the corporate limits of the town of River Falls in Covington county, Alabama, except that portion of said territory which lies within the corporate limits of the town of Audalusia.

H. 270. An act to make an appropriation for the compensation of the land clerk in the office of the State auditor.

H. 568. An act to amend sections one and two of an act entitled an act to regulate the volunteer military forces of the State of Alabama, approved Feb. 23, 1895.

H. 206. An act, to repeal an act entitled an act to regulate the trial of misdemeanors in the county of Elmore, approved December 14, 1898, and to provide for the transfer of pending causes from said county court to the circuit court of said county and the enforcement of judgments already rendered in said county court.

H. 83. An act to confer additional jurisdiction upon the county court of Choctaw county and to regulate the proceedings therein.

H. 70. An act to authorize the cities of Tuscumbia and Sheffield, and the towns of Leighton and Cherokee, in Colbert county to establish and operate dispensaries in such incorporated cities and towns for the purpose of buying and selling spirituous, vinous, and malt liquors, and to provide for the distribution of certain profits arising therefrom, and to further regulate or prohibit the sale, barter or exchange of such liquors in said county.

Cyrus B. Brown, Clerk.

#### SIGNING OF BILLS.

The President of the Senate, in the presence of the Senate, immediately after their titles had been publicly read at length by the secretary, signed the above House bills, the titles of which are set out in the foregoing message from the House. The reading at length of said bills having been dispensed with by a two-thirds vote of a quorum of the Senate present.

## MESSAGE FROM THE HOUSE.

Mr. President:—

The House has originated and passed the following bills:

H. 39. To authorize the courts of county commissioners of the several counties, and other courts of like jurisdiction to compromise certain claims in favor of the counties.

And sends the same to the Senate.

H. 379. To fix the salaries of the chancellors, supernumerary judge and circuit judges.

And sends the same to the Senate.

H. 411. To prohibit the selling, giving away, or otherwise disposing of spirituous, vinous and malt liquors, and other intoxicating liquors in Pike county, otherwise than by dispensaries in the cities of Troy and Brundidge. To provide for and make efficient such dispensaries, and to prescribe penalties for the violations of this act.

And sends the same to the Senate with notice and proof attached and herewith exhibited as follows:

## LEGISLATIVE NOTICE.

Notice is hereby given that a substantial copy of the following bill will be introduced for passage in the Legislature of Alabama when it convenes in 1907:

## A BILL

To be entitled an act to prohibit the selling, giving away, or otherwise disposing of spirituous, vinous and malt liquors, and other intoxicating liquors, in Pike county, otherwise than by dispensaries in the cities of Troy and Brundidge. To provide for and make efficient such dispensaries, and to prescribe penalties for the violations of this act.

Section 1. Be it enacted by the Legislature of Alabama, That from the time this act goes into effect it shall be unlawful to sell, give away or otherwise dispose of vinous and malt liquors, or other intoxicating liquors,

within the county of Pike otherwise than as provided in this act.

Section 2. There is hereby created the office of dispensary commissioners for the city of Troy, which shall consist of five commissioners who shall reside during their term of office in the city of Troy, and W. R. Sellers, J. S. Copeland, Jr., W. A. McBryde, W. S. Saunders and T. L. Borom are hereby named as commissioners to fill said office of dispensary commissioners until their successors are elected and qualified in the manner hereinafter provided by this act, and it shall be the duty of said dispensary commissioners to set up, organize, manage and control a dispensary for the sale of spirituous, vinous and malt liquors within the fire limits of the city of Troy.

Section 3. The term of W. R. Sellers shall be for one year from the time this act goes into effect, and until his successor is elected and qualified as hereinafter provided, the term of J. S. Copeland, Jr., shall be for two years from the time this act goes into effect, and until his successor is elected and qualified as hereinafter provided, the term of W. A. McBryde shall be for three years from the time this act goes into effect, and until his successor is elected and qualified as hereinafter provided, the term of W. S. Sanders shall be for four years from the time this act goes into effect, and until his successor is elected and qualified as hereinafter provided, and the term of T. L. Borom shall be for five years from the time this act goes into effect, and until his successor is elected and qualified as hereinafter provided. That the commissioners court of Pike county shall at its last regular meeting in the year 1908 furnish the mayor and councilmen of Troy with the names of three men competent to discharge the duties of the office of dispensary commissioner, and said mayor and councilmen of Troy shall at its next regular meeting thereafter elect from said names so furnished one commissioner to succeed W. R. Sellers, and the commissioners court shall at its last regular meeting in the year 1909 furnish the mayor and councilmen of Troy with the names of three men competent to discharge the duties of the office of



dispensary commissioner, and said mayor and councilmen of Troy shall at its next regular meeting thereafter elect from said names so furnished one commissioner to succeed J. S. Copeland, Jr., and at its last regular meeting in the year 1910 the commissioners court of Pike county shall furnish the mayor and councilmen of Troy with the names of three men competent to discharge the duties of this office of dispensary commissioner, and said mayor and councilmen of Troy shall at its next regular meeting thereafter elect from said names so furnished one commissioner to succeed W. R. McBryde, and the commissioners court of Pike county shall at its last regular meeting in the year 1911 furnish the mayor and councilmen of Troy with the names of three men competent to discharge the duties of the office of dispensary commissioner, and said mayor and councilmen of Troy shall at its next regular meeting thereafter elect from said names so furnished one commissioner to succeed W. S. Sanders, and the commissioners court of Pike county shall at its last regular meeting in the year 1912 furnish the mayor and councilmen of Troy with the names of three men competent to discharge the duties of the office of dispensary commissioner, and said mayor and councilmen of Troy shall at its next regular meeting thereafter elect from said names so furnished one commissioner to succeed T. L. Borom, and at its last regular meeting in the year 1913 the commissioners court of Pike county shall furnish the mayor and councilmen of Troy with the names of three men competent to discharge the duties of the office of dispensary commissioner, and at its next regular meeting thereafter said mayor and councilmen of Troy shall elect from said names so furnished one commissioner to succeed the first commissioner they elected; and so on annually said mayor and councilmen of Troy shall elect successors of said dispensary commissioners from the names furnished them by said commissioners court in the manner provided above. And should any vacancy be caused in the office of said dispensary commissioners, by death, resignation, or otherwise, said commissioners court of Pike county shall at its next regular or called meeting furnish the mayor

and councilmen of Troy with the names of three men for each vacancy, competent to discharge the duties of the office of dispensary commissioner, and said mayor and councilmen of Troy shall at its next regular or called meeting thereafter elect from said names so furnished one commissioner to fill such vacancy.

Section 4. It shall be the duty of the corporate authorities of the city of Troy to provide one-half and the commissioners court of Pike county one-half of the funds necessary for setting up and carrying on said dispensary.

Section 5. It shall be the duty of said dispensary commissioners to meet as soon as this act goes into effect and elect from their number a president, a secretary, and a treasurer, and require a good and sufficient bond from such treasurer, in the sum of \$5,000.00 which bond may be made by two good and sufficient sureties, or by any bond company authorized to do business in this State, said bond when made must be approved by the judge of probate of Pike county, and filed for record in the office of said judge of probate as other official bonds are filed. Said dispensary commissioners shall before entering upon the discharge of their duties, take and subscribe, before the judge of probate of Pike county, an oath that they will faithfully and honestly discharge all the duties imposed upon them by this act.

Section 6. Said dispensary shall pay the regular State and county license as retailers of spirituous, vinous and malt liquors.

Section 7. It shall be the duty of said dispensary commissioners to employ a dispenser at a salary not to exceed one hundred dollars per month, who shall hold said position at the pleasure of said commissioners, and said dispensary commissioners shall employ such additional help as may be required for the proper and economical conduct of said business, but shall not employ more than two additional regular employees for said dispensary without first being authorized to do so by action of the mayor and councilmen of Troy, and shall not pay for the whole of such additional help exceeding

one hundred dollars per month unless authorized to do so by the mayor and councilmen of Troy.

Section 8. Said dispenser shall, before entering upon his duties as such dispenser, execute a bond, with two good and sufficient sureties, or in some bond company authorized to do business in this State, in the sum of \$500.00, to be approved by the judge of probate of Pike county, and filed for record in said office of the judge of probate, conditioned to faithfully account for all goods and moneys which shall come into his possession, as such manager, and for the faithful performance of all duties required of him by this act; it shall be the duty of said dispenser to see that no liquors are sold except for cash, and in sealed packages, to see that no drinking of spirituous, vinous malt, or other intoxicating liquors, and no loitering be permitted in or about said dispensary, for which purpose he or any assistant whom he shall leave in charge is authorized to call upon the police of the city of Troy to aid in enforcing the observance of these rules. He shall turn over all moneys received by him to the treasurer of the dispensary commissioners at the end of each day, take his receipt for the same, and report in writing to the secretary of said dispensary commissioners at the end of each week the amount of money turned over to said treasurer each day during said week, and on demand of said secretary said dispenser must report to him in writing each day's sales. He must make to said dispensary commissioners reports monthly, or oftener if required by them, showing the amount of stock on hand, the amount sold, the amount on hand at the last report, amount in the receiving and filing department, amount in sales department, amount received since last report, amount transferred from receiving and filling department to sales department, and such other matters as may be necessary for a full and accurate understanding of the condition of said dispensary.

Section 9. Said dispensary commissioners shall purchase all the spirituous, vinous and malt liquors, and other intoxicating liquors sold by said dispensary, and they shall purchase the same from persons who submit

their net prices, and the proof of their liquors, in writing and sealed, provided said commissioners shall have the power to reject any and all bids and it shall be the duty of said commissioners to keep said dispensary well supplied with a well selected stock of spirituous, vinous and malt liquors, and to purchase the purest liquors practicable; and they shall have the power to employ a competent chemist to test the purity of said liquors, either before or after the same is bottled and sealed and delivered to the dispenser, they shall not permit the sale of any liquors containing any deleterious adulterations; and in order to insure the purity of all liquors sold by said dispensary the commissioners court of Pike county, and the mayor and councilmen of Brundidge, shall have power and authority to have samples of the liquors kept on hand, analyzed and tested, and the mayor and councilmen of Brundidge shall have power and authority to adopt such ordinances as to them may seem proper to prevent the sale of liquors containing injurious adulterations.

Section 10. That said dispensary shall not be opened on any day before sunrise, and shall be closed each day not later than six-thirty o'clock in the afternoon, and shall remain closed on Sunday, election days and the day next before election days, and such other days as required by law.

Section 11. That said board of commissioners of said dispensary shall pay to the county superintendent of education fifty per cent. of the net profits of said dispensary for the public schools of Pike county, to be apportioned to the various school districts of Pike county in the same manner as the public school funds are appropriated by law, to be applied in such way as the proper authorities of the public school districts of Pike county may deem best for the interest of said public schools either in the employment of teachers or the building, repairing, or equipping of school houses; twenty-five per cent. of the net profits of said dispensary shall be turned over by said commissioners to the proper authorities of the public schools of the Troy school districts, to be applied in such way as the proper authorities of said

public school district may deem for the interest of said public schools, and the remaining twenty-five per cent. of the net profits of said dispensary shall be turned over by said commissioners to the city clerk and treasurer of the city of Troy, Alabama, to be used by or under the direction of the mayor and councilmen of the city of Troy, Alabama, in such way as they may deem for the best interest of the city of Troy. Provided, that the public schools in the Troy school district shall not share in the money's appropriated by said commissioners to the public schools of Pike county, otherwise than the twenty-five per cent. above provided for, and no part of said fifty per cent. of the net proceeds of said dispensary appropriated by the said commissioners of said dispensary to the public schools of Pike county shall go to the Brundidge high school, or any school in the town of Brundidge, Ala., unless the dispensary now in operation at Brundidge, Ala., should be discontinued. Said appropriations shall be made by said commissioners semi-annually in each year; provided the county superintendent of education shall receive only two per cent. as full compensation for receiving and distributing such funds.

Section 12. Any person who shall drink any spirituous, vinous or malt liquors in or about the premises of said dispensary shall be guilty of a misdemeanor and on conviction fined not less than ten nor more than fifty dollars. Provided this shall not be so construed as to prevent the dispenser or commissioners from examining and tasting samples produced by parties proposing to sell liquors for said dispensary, nor to interfere with the testing and analysis herein provided for.

Section 13. It shall be unlawful for any one to loiter in or about said dispensary, and any one who violates this section or refuses to leave said premises, after being requested so to do by said dispenser, or assistant dispenser, shall be guilty of a misdemeanor and on conviction be fined not less than ten nor more than fifty dollars.

Section 14. It shall be the duty of the mayor of Troy and of any justice of the peace in Pike county on complaint made, under oath that there is good reason for believing that the business of selling spirituous, vinous or

malt liquors is being engaged in on certain premises therein described, contrary to the provisions of this act, to issue a search warrant requiring the sheriff or any constable of said county or policeman of the city of Troy to search said premises and bring before said officer or court all spirituous, vinous or malt liquors found on said premises, and said officer or court shall thereupon fix a day not less than five nor more than ten days thereafter for the hearing of the case, of which person who was found to be in possession of said liquors (or if he cannot be ascertained, the owner or the renter of the building), shall have five days to appear and show cause why said liquors should not be condemned. If upon said trial it shall be found that said liquors were kept for the purpose of being sold, the said business shall be declared a nuisance and said liquors shall be condemned as forfeited under this act and shall be turned over to the mayor of Troy, who shall cause the same to be destroyed. If on said trial it shall be found that said liquors were not being used in violation of law and were kept for a lawful purpose, the same shall be returned to the party from whom the same were taken. The fact that said liquors amount to as much as five gallons and are in a place where are found bar fixtures or articles usually used in a liquor saloon, or the fact that a U. S. liquor license is found in said premises or is held by the party in whose possession said liquors are found shall be prima facie evidence of the truth of the charge alleged in the affidavit. Any liquors seized hereunder may be replevied until the day of trial as in attachment cases.

Section 15. Any person selling, giving away or otherwise disposing of spirituous, vinous or malt liquors in the county of Pike contrary to the provisions of this act, shall be guilty of a misdemeanor, and on conviction be fined not less than fifty nor more than five hundred dollars, and may also be imprisoned in the county jail or sentenced to hard labor for the county for not exceeding six months; and the fact that a party charged with said offense shall be found to have a license from the United States for the sale of spirituous, vinous or malt liquors shall be prima facie evidence of guilt, or if he

shall be found in possession of as much as five gallons of spirituous, vinous or malt liquors, it shall be prima facie evidence that he is guilty under this section.

Section 16. The court of county commissioners of Pike county shall have the power and authority to remove from office the dispensary commissioners for violation of or failure to perform the duties herein imposed upon them, or for violation of the laws of the State, for corruption in office, or for becoming intoxicated by the use of spirituous, vinous or malt liquors, said proceedings to be upon complaint made under oath; and from any judgment hereunder, the defendant shall have the right of appeal to the circuit court by executing bond for costs.

Section 17. That the commissioners provided for in this act shall each receive a salary of fifty dollars per annum, provided that the secretary shall receive seventy-five dollars per annum additional, and the treasurer shall receive one hundred dollars per annum additional.

Section 18. If said dispensary shall cease to be operated the prohibitive features of this act and the penalties herein provided shall remain in full force and effect. It being the intention of this act that the prohibition of the sale of spirituous, vinous and malt liquors herein provided for shall not be in any manner dependent on the validity of the dispensary features, but shall only be suspended to the extent and as herein indicated during the actual operation of the dispensary as herein provided.

Section 19. The books of said dispensary shall be open at all times to investigation by the commissioners' court of Pike county and the mayor and councilmen of Troy.

Section 20. That said commissioners shall semi-annually publish a report of the financial condition of said dispensary showing the receipts and disbursements, the amounts set aside for educational purposes, the amount paid into the city treasury of Troy, which report said commissioners shall cause to be published in some newspaper published in Pike county.

Section 21. This act shall go into effect January the first, 1908.

Section 22. Any commissioner, officer, manager, or employee, of said dispensary who receives any rebate or other compensation in connection with his duties as such commissioner, officer, manager, or employee of said dispensary, otherwise than as provided in this act, shall be deemed guilty of a misdemeanor, and upon conviction must be fined not less than fifty, nor more than five hundred dollars.

Section 23. All laws and parts of laws in conflict with the provisions of this act are hereby repealed.

(Copy.)

#### A BILL

To be entitled an act to prohibit the selling, giving away, or otherwise disposing of spirituous, vinous and malt liquors, and other intoxicating liquors, in Pike county, otherwise than by dispensaries in the cities of Troy and Brundidge. To provide for and make efficient such dispensaries and to prescribe penalties for the violations of this act.

The State of Alabama, )  
Pike County. }

Before me, Randolph J. Barr, a notary public in and for said county, personally appeared Sidney Herbert Blan, who being by me first duly sworn, deposes and says that he is editor and publisher of The Troy Messenger, a newspaper published in Pike county, Alabama, and that notice to apply to the present session of the Legislature of Alabama, for the passage of the foregoing bill has been given by publication without cost to the State, once a week for four consecutive weeks, in said newspaper, which published notice stated the intention to make such application, and contained the substance of the proposed law, that is to say, a copy of the foregoing bill.

Sidney Herbert Blan.



Sworn to and subscribed before me this the 19th day  
of January, 1907.

(SEAL)

Ralph J. Barr,  
Notary Public.  
Cyrus B. Brown,  
Clerk.

HOUSE MESSAGE.

The House bills in the foregoing House message were severally read once and referred to appropriate standing committees as follows:

H. 379, to Judiciary.

H. 39, to Revision of Laws.

H. 411, to Temperance.

BILLS ON THIRD READING.

The bill:

S. 62. To fix the weights and measures and regulate the trade in corn, meal and flour, and to prohibit packing or dealing in so called short weight packages.

Was taken up.

The following amendment offered by the committee, to-wit:

Amend by striking out after the words "bolted" in line five of section one, the following words: "Forty-four (44) pounds to the bushel; corn meal," and insert in lieu thereof the word "or."

Was adopted.

Yeas, 21; nays, 0.

Yeas:

Messrs:

Barbour	Horton	Lusk	Spragins
Blackmon	Jones	Miller	Strother
Doster	King	McWhorter	Thomas
Gardner	Leith	Overton	White
Hamner	Lowe	Reynolds	Wilson
Heacock			

—21.

Mr. Blackmon offered the following amendment, to-wit:

Add in line five of the caption of said bill after the word "packages" the following: "And to fix a penalty for the violation of this act."

Which was adopted.

Yeas, 26; nays, 0.

Yeas:

Messrs:

Barbour	Heacock	Merritt	Spragins
Blackmon	Hinson	Miller	Strother
Doster	Horton	Moody	Teasley
Gardner	Jones	McWhorter	Thomas
Glenn	King	Overton	White
Hamner	Leith	Reese	Wilson
Hayes	Lusk		

—26.

And said bill as amended, was read a third time at length and passed.

Yeas, 20; nays, 0.

Yeas:

Messrs:

Barbour	Hamner	Lowe	Strother
Doster	Hayes	Lusk	Teasley
Gardner	Horton	Merritt	Thomas
Glenn	Jones	Overton	White
Gunn	Leith	Reynolds	Wilson

—20.

The bill:

S. 294. To fix the compensation of the several State executive officers, officers of departments and boards, subordinate officers, clerks, watchmen, and capitol servants and to make appropriation therefor.

Was taken up, and ordered to a third reading.

Mr. Spragins moved that the Senate reconsider the vote by which it ordered said bill to a third reading, and that 300 copies be printed for the use of the Senate.

Pending the consideration of said motion,

RECESS.

At 1:30 o'clock p. m. on motion of Mr. Spragins, the Senate recessed until 3:30 o'clock this afternoon.

## AFTERNOON SESSION.

The Senate reassembled at 3:30 o'clock.  
A quorum was present.

## PRIVILEGES OF THE FLOOR.

Privileges of the floor were granted to Ex-Senator Smith of Clay, J. C. Brown and J. T. Avery.

## REPORT FROM COMMITTEE ON RULES.

Mr. Gardner, from the committee on Rules, returned Senate resolution, offered by Mr. Spragins, S. J. R. 46, Relating to adjournment of the Legislature, and recommended that same be referred to the joint committee on Recess.

Mr. Spragins moved to lay the report of the committee on the table, which motion was lost.

Said report was adopted.

Yeas, 13; nays, 12.

Yeas:

Messrs:

Barbour	Hayes	Lusk	Overton
Gardner	Heacock	Miller	Reynolds
Gunn	Hinson	McWhorter	Strother
Hamner			

—13.

Nays:

Messrs:

Davis	Glenn	Lowe	Spragins
Doster	Jones	Moody	White
Forrester	Leith	Reese	Wimberly

—12.

## UNFINISHED BUSINESS.

The Senate proceeded to the consideration of the unfinished business from the morning session, which was Senate bill 294

S. 294. To fix the compensation of the several State executive officers, officers of departments and boards,

subordinate officers, clerks, watchmen, and capitol servants and to make appropriation therefor.

Mr. Miller made a motion to table Mr. Spragins' motion made at morning session to reconsider the vote by which said bill was ordered to a third reading, which motion was carried.

Yeas, 12; nays, 9.

Yeas:

Messrs:

Glenn	Heacock	Leith	Moody
Gunn	Hinson	Lusk	Reese
Hamner	Jones	Miller	Reynolds

—12.

Nays:

Messrs:

Barbour	Gardner	McWhorter	Strother
Doster	Merritt	Overton	Wimberly
Forrester			

—9.

And the bill was read a third time, at length, and passed.

Yeas, 18; nays, 9.

Yeas:

Messrs:

Blackmon	Hamner	Jones	McWhorter
Davis	Hayes	Leith	Reese
Forrester	Heacock	Miller	Reynolds
Glenn	Hinson	Moody	Thomas
Gunn	Horton		

—18.

Nays:

Messrs:

Barbour	Lowe	Merritt	Strother
Doster	Lusk	Spragins	Wimberly.
Gardner			

—9.

And the bill was ordered to be sent to the House without engrossment.

## ANNOUNCEMENT OF PAIR.

Mr. Lowe announced that he was paired with Mr. Thomas, that he would vote nay, and if Mr. Thomas were present he would vote yea. Mr. Spragins announced that he was paired with Mr. Blackman, that he would vote nay, and if Mr. Blackmon were present he would vote yea on the pending measure.

## BILLS ON THIRD READING.

The bill:

H. 389. To amend section 2030 of the Code.

Was read a third time at length and passed.

Yeas, 22; nays, 0.

Yeas:

Messrs:

Barbour	Gunn	Lusk	Overton
Blackmon	Hamner	Merritt	Reese
Doster	Heacock	Miller	Reynolds
Forrester	Hinson	Moody	Spragins
Gardner	Jones	McWhorter	Wimberly
Glenn	Leith		

—22.

The bill:

H. 110. Relating to the preservation, propagation and protection of the fish of Alabama.

The committee offered the following amendment:

“Amend the bill by striking out section 3. Amend section 12 by striking out all the words in said section, beginning with the words “each deputy.”

Which was adopted.

Yeas, 23; nays, 1.

Yeas:

Messrs:

Barbour	Glenn	Jones	Reese
Blackmon	Gunn	Lusk	Reynolds
Davis	Hayes	Merritt	Spragins
Doster	Heacock	Miller	Strother
Forrester	Hinson	Moody	Thomas
Gardner	Horton	McWhorter	

—23.

Nays: Mr. Leith—1.

And the bill as amended, was read a third time at length and lost.

Yeas, 10; nays, 11.

Yeas:

Messrs:

Barbour	Heacock	Merritt	Moody
Glenn	Hinson	Miller	Reese
Hayes	Jones		

—10.

Nays:

Messrs:

Doster	Leith	McWhorter	Strother
Forrester	Lowe	Overton	White
Hamner	Lusk	Spragins	

—11.

#### LEAVE OF ABSENCE.

Mr. Reese obtained leave of absence for next Saturday.

#### ADJOURNMENT.

At 5:30 o'clock p. m. the Senate on motion of Mr. Spragins adjourned until Saturday at 10 o'clock a. m.

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### TWENTY-SIXTH DAY.

Saturday, February 16, 1907.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Price of the House.

#### ROLL CALL.

Present:

Mr. President, and

Messrs:

Barbour	Forrester	Hayes	Jones
Bayles	Gardner	Heacock	King
Blackmon	Gunn	Hinson	Leith
Doster	Hamner	Horton	Lowe

Lusk	McWhorter	Reynolds	Teasley
Merritt	Overton	Spragins	Thomas
Miller	Reese	Strother	Wimberly.
Moody			

—29.

## JOURNAL.

On motion of Mr. Merritt the reading of the Journal of yesterday was dispensed with and the same was approved.

## LEAVE OF ABSENCE.

Leaves of absence were granted to Messrs. White, Davis, Glenn, Hamburger, Wilson and Reid, for today.

## PRIVILEGES OF THE FLOOR.

Privileges of the floor were granted to Hon. Hugh Morrow, J. H. Edmondson, H. D. Merrill and Mr. Johnson of Perry for today.

## REPORT OF JOURNAL COMMITTEE.

Mr. Leith, from the committee on Revision of the Journal, made the following report:

Mr. President:

We the committee on Revision of the Journal, report that we have, in session, examined the Senate Journals for the 27th legislative day and find the same to be correct.

M. L. Leith,  
Chairman.

## INTRODUCTION OF BILLS.

On a call of the districts, bills were introduced, read one time and referred to appropriate standing committees as follows:

By Mr. Horton:

S. 316. To prohibit the owner of any mortgage deed of trust or like instrument upon personal property from

attempting to collect same by threats of arrest or by threats of criminal prosecution or of physical injury.

Agriculture.

By Mr. Blackmon:

S. 317. To amend sections 6, 9, 10, 16, 17, 19 and 20 of an act entitled, "An act to provide for the redistricting of the public schools of the State and for the management and control of the same," approved September 30, 1903.

Education.

By Mr. Miller:

S. 318. To make an appropriation to the Alabama Polytechnic Institute in lieu of the share of the proceeds arising from the sale of fertilizer tags now paid to the said institute.

Finance and Taxation.

By Mr. Teasley:

S. 319. To fix the salary of the judge of the city court of Montgomery.

Local Legislation.

With notice and proof as follows

The State of Alabama, )  
Montgomery County. }

Before me, Henry N. Hughes, clerk of the city court of Montgomery, a court of record in and for said State and county, personally appeared R. H. Hart, who being by me first duly sworn upon oath doth depose and say, that he is the manager of the Montgomery Times, a daily newspaper published in Montgomery county, Alabama, and that a notice in words and figures as follows, to-wit:

"NOTICE."

"A bill will be introduced at the next session of the Legislature fixing the salary of the judge of the city court of Montgomery at thirty-six hundred dollars per annum, payable in monthly installments."

Was published in The Montgomery Times once a week for four consecutive weeks beginning December 17th, 1906.

R. H. Hart.



Sworn to and subscribed before me, this the 12th day  
of February, 1907.

H. N. Hughes,  
Clerk of the City Court of Montgomery.

By Mr. Gunn:

S. 320. To amend section 17 of an act entitled an act to provide for the holding the elections on the question of changing of county seats, and in the event of a majority of qualified electors of the county voting at such election shall vote in favor of changing or locating county seats to provide for changing or locating county seats under the erection of necessary county buildings and to provide for the necessary county officers.

Revision of Laws.

By Mr. Reynolds:

S. 321. To amend section 3700 of the Code of Alabama of 1896, as amended by an act of the Legislature of Alabama, approved February 12th, 1903.

Education.

By Mr. Reynolds:

S. 322. To amend section 1 and 6 of an act entitled an act to incorporate the town of Marion, in Perry county, as a separate public school district, approved February 5, 1877.

Local Legislation.

With notice and proof as follows:

The State of Alabama, }  
Perry County. }

Before the undersigned judge of probate for said county and State came personally Chas. H. Greer, who being by me first duly sworn, deposes and says that the attached and annexed notice was inserted in the Marion Standard, a newspaper published in the county of Perry, Ala., for four successive weeks immediately preceding the date of this affidavit, the first insertion being published in the issue of 21 December, A. D., 1906, and was continued in said paper for three successive weeks thereafter.

Chas. H. Greer.

Sworn to and subscribed before me this the 14th day  
of February, A. D., 1907.

J. B. Shiver,  
Judge of Probate.

#### NOTICE.

Pursuant to Constitutional requirement, notice is hereby given that at the next session of the Legislature a Bill will be introduced to amend the present law creating Marion, in Perry county, Alabama, a separate school district by enlarging said district, also to require the State Superintendent of Education to pay to the Treasurer of the Board of Trustees of said separate district, also to require the State Superintendent to pay to the Treasurer of the Board of Trustees of said separate district all public monies due the said district from the Education Department of the State.

W. H. Smith.

#### REPORTS OF COMMITTEES.

Mr. Lusk, chairman of the standing committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report:

S. 69. (With substitute.) To amend sections 897, 900, 905, 906, 907, 908 and 911 of article 1, chapter 19 of the Code of Alabama.

Also, with amendment:

S. 291. To regulate sales of stocks of merchandise in bulk or portions thereof, otherwise than in the ordinary course of trade, and to punish violations of the same.

Also,

S. 310. Conferring on railroads operating in the State of Alabama, the right to acquire for depots, freight yards and team tracks by condemnation proceedings, in the mode prescribed by law after application for permission to bring such condemnation proceedings has first been submitted to and approved by the railroad commission of Alabama.

Also,

H. 25. To define corrupt solicitation of legislators and provide adequate punishment therefor and the means to effectually enforce this act.

Also,

H. 379. (With amendment.) To fix the salaries of the chancellors, supernumerary judge and circuit judges.

Also,

H. 420. To provide for the creation of the office of county auditor of Walker county, Alabama, to define the powers and duties thereof, to provide for his compensation, to fix his term of office and prescribe the manner of his appointment and election.

Mr. Hamner, chairman of the standing committee on Banking and Insurance, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report:

S. 283. To amend section 9 of an act entitled an act to provide for the examination and regulation of the business of banking in the State of Alabama, approved October 10th, 1903.

Mr. Merritt, chairman of the standing committee on Local Legislation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report:

S. 312. To provide for the appointment of an official stenographer for the city court of Montgomery, to prescribe his duties and to fix his compensation.

Also, with amendment:

H. 76. To regulate the trial and proceedings in criminal cases for the violation of the special or local prohibition law for Bibb county, Alabama.

Also, with amendment:

H. 418. To fix, provide for and regulate the pay of State witnesses before the grand juries and circuit and county courts of Tuscaloosa county.

Also,

H. 74. To regulate the cost in criminal cases in the circuit court of Bibb county, Alabama, in the county court of said county and in or before the grand jury of said county and to provide for the payment of same.

Also,

H. 340. To amend sections four (4), twelve (12), thirteen (13), fourteen (14), twenty-one (21), and thirty-one (31) of an act to provide for the construction, repairing, working and maintaining the public roads and bridges in Talladega county, approved December 4th, 1900.

Also,

H. 622. To provide a road law for the county of Marengo and to enforce the same.

Also,

H. 264. To authorize and require the probate judge of St. Clair county to hold regular terms of the probate court at Pell City, and such adjourned, called or special terms as may be necessary, and to declare the powers and jurisdiction of said court holden at said place; to authorize the probate judge of said county to perform other official acts at Pell City, and to keep books and records of his office at said place, and to authorize the employment of a sworn and bonded clerk, who shall keep charge of the office in the absence of the probate judge, and who may discharge all duties imposed by law on the clerks of probate judges in this State.

Also,

H. 263. To provide for holding regular, special and adjourned terms of the commissioners' court of St. Clair county at Pell City, to declare the powers and jurisdiction of said court holden at said place, to regulate its proceedings and to provide for its records, fixtures and supplies and the keeping thereof.

Also,

H. 523. To amend section 2 of an act to establish a State normal school for the education of white female teachers and students at Livingston in Sumter county.

Also,

H. 500. To ratify and confirm the acts and contracts of the court of county commissioners of Lee county, or

other authorized agents of said county in borrowing money for the use and benefit of said county, and to ratify and confirm the warrants given on said contracts for money so borrowed.

Also,

H. 363. To create the office of associate judge of the city court of Gadsden, to provide for the qualification, election and appointment of such judge, to fix the term of office, to define his powers and duties and to provide for the payment of his salary.

Also,

H. 367. To require the tax assessor and tax collector of Franklin county, Alabama, to visit the voting places in each election precinct in Franklin county, Alabama, once each year for the purpose of assessing and collecting taxes. That said tax assessor and collector shall each keep his office open at the court house of said county the entire month of December of each year.

Also,

H. 364. To amend sections thirteen (13) and nineteen (19) of an act entitled an act to declare the powers and jurisdiction of the city court of Gadsden, approved February 27, 1901.

Also,

H. 18. To fix the time and place of holding the circuit court in the twelfth judicial circuit of the State of Alabama.

Also,

H. 262. To provide for the holding of regular terms of the county court of St. Clair county at Ashville, the county seat, and at Pell City in said county and to define the jurisdiction of said court holden at each of said places and to regulate the said court and proceedings in and relating to the same.

Also,

H. 514. To repeal an act entitled an act to regulate the trial of misdemeanors in Morgan county, Alabama, approved February 23, 1899, and to provide for the transfer of all causes and all papers and books relating thereto, remaining undetermined on the docket of said

county court of Morgan county, to the Morgan county law and equity court.

Also,

H. 312. To establish the Morgan county law and equity court; to create and define its jurisdiction; to provide its officers, their powers, duties and compensation, to fix the terms of said court and to prescribe rules of practice and procedure for said court.

Also,

H. 419. To abolish the fine and forfeiture fund of Tuscaloosa county, and to provide for the payment of all outstanding valid claims against the said fund.

Also,

H. 584. To further provide for jurors for the trial of causes other than capital causes in the criminal court of Jefferson county or other courts, exercising criminal jurisdiction in said county.

Mr. Reynolds, chairman of the standing committee on Education, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report:

S. 117. (With amendment.) To classify the public schools of Alabama and to name the branches of study to be taught in the same.

Also,

S. 253. To provide for the more efficient supervision of the public schools of the State.

Mr. Overton, chairman of the standing committee on Commerce and Common Carriers, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report:

S. 280. (With amendment.) To make it an offense for any depot agent or person having control of any passenger depot to neglect or fail to keep in some convenient place at or near such depot a water closet or necessary in good condition for the benefit of ladies in waiting and expecting to become passengers on any passen-

ger train at such depot, and, to prescribe punishment therefor.

Also,

S. 240. (With amendment.) To provide for the legal enforcement in the courts of this State of any liability incurred in another State which is the subject of legal enforcement in such other State.

Also,

S. 242. To provide for the disposition and distribution, and manner of distribution, of the proceeds, when collected of any bond, payable to the State of Alabama, given by any railroad company or other common carrier to have annulled, suspended or enjoined, any rate or rates established or prescribed for the transportation of freight or property.

Also, with substitute:

S. 273. To make it an offense for any depot agent, or person having control of any depot with a telegraph office, to neglect or fail to keep displayed in the waiting room a bulletin board, showing when any delayed passenger train will arrive at such depot, and to prescribe the punishment therefor.

Mr. Wimberly, chairman of the standing committee on Public Health, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report:

S. 309. To provide for the protection, custody and maintenance of minor children under fourteen years of age whose parents or guardians are morally unfit.

Mr. McWhorter, chairman of the standing committee on Temperance, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report:

S. 315. To authorize the town of Dothan to establish, maintain, regulate and make efficient, a dispensary in the town of Dothan and to provide for the operation and carrying on of such dispensary by the said town of Do-

than and for a distribution of the net proceeds of the said dispensary.

Also,

H. 411. To prohibit the selling, giving away or otherwise disposing of spirituous, vinous and malt liquors and other intoxicating liquors in Pike county, otherwise than by dispensaries in the cities of Troy and Brundidge. To provide for and make efficient such dispensaries and to prescribe penalties for the violations of this act.

Mr. Miller, chairman of the standing committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report:

S. 192. To provide for the maintenance of the "Alabama Girls' Industrial School" and the complete equipment of its class rooms, laboratories and work shops and to build and furnish additional buildings therefor.

Also,

S. 194. To provide for the payment of interest on the fund in the State treasury, the proceeds of lands sold by the "Alabama Girls' Industrial School."

Also,

S. 83. To appropriate the sum of six thousand dollars for the completion and improvement of the school buildings of the 8th congressional district Agricultural school located at Athens, the main school building having been destroyed by a storm in November, 1906.

Also,

S. 297. For the relief of J. M. Cobb and W. J. Taylor.

Also,

S. 282. For the relief of E. Pippin, a confederate pensioner of Clarke county, Alabama.

Also,

S. 103. To provide for the better equipment and support of the University of Alabama, and to appropriate funds therefor.

Also,

S. 311. To promote and encourage agriculture, the raising of live stock and kindred interests, in the State



of Alabama, by appropriating annually the sum of twenty-five thousand dollars out of any moneys in the treasury, not otherwise appropriated, to be paid in premiums for exhibits of live stock, agriculture and kindred exhibits, to be made on the following fair ground: Alabama Agricultural Association, Vandiver Park, Montgomery, Ala., \$8,500.00; Central Alabama Fair Association Grounds, at Selma, Ala., \$4,000.00; State Fair Grounds, Birmingham, Ala., \$8,500.00; Tennessee Valley Fair Association Grounds, Huntsville, Ala., \$4,000.00 and to exempt from the payment of licenses and taxes State, county and municipal all the businesses, trades professions, exhibits and industries that may be carried on on said fair grounds, during the annual fair to be held by each of said fair associations.

Also,

H. 205. To appropriate the sum of ten thousand dollars for the completion of the school building of the Fifth congressional district Agricultural school located at Wetumpka, the main school building being destroyed by fire January 5th, 1906.

Also, with substitute:

S. 228. To make an appropriation for the repair, building and maintenance of the confederate soldiers' home at Mountain Creek, Alabama.

Also, with substitute:

S. 226. To make an appropriation for the confederate soldiers' home at Mountain Creek, Alabama, and for other purposes.

The foregoing bills contained in said committee reports, were severally read a second time and placed on the calendar.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bills:

H. 371. To provide for the inspection of jails and almshouses.

And sends the same to the Senate.

H. 119. To amend section 5542 of the Code of 1896. And sends the same to the Senate.

H. 120. To amend section 4758 of the Code of 1896. And sends the same to the Senate.

H. 562. To regulate the practice of pharmacy and the sale of poisons in the cities and towns of more than nine hundred inhabitants in the State of Alabama, and fixing the penalty for violations thereof, and to repeal chapter 89 of the civil code of Alabama, 1896, and section 5335 of the criminal code of Alabama, 1896; and all other laws in conflict with the provisions of this act.

And sends the same to the Senate.

H. 631. To amend section 1 and 2 of "an act to amend section 1, 2 and 5 of an act to provide for an election in the various beats or parts of beats in Clay county on the subject of stock running at large in the beats or parts of beats in said county, approved December 10, 1890, approved March 4, 1901."

And sends the same to the Senate, with notice and proof attached and exhibited herewith as follows:

Notice is hereby given that application will be made to the present Legislature of Alabama for the passage of a bill the substance of which is to amend "An act to amend sections 1, 2 and 5 of 'an act to provide for an election in the various beats or parts of beats in Clay county on the subject of stock running at large in the beats or parts of beats in said county (approved Dec. 10, 1890), approved March 4, 1901, as follows, to-wit: By striking out the words "forty or more freeholders and householders" where they appear in section 1 and substituting therefor the words "fifteen or more householders;" and by adding the words "or in any district consisting of a part of a beat," after the word "beat" where it first occurs in said section 1, and by adding the words "or district," immediately after the word "beat" wherever it occurs elsewhere in section 1 and also wherever it occurs in section 2; also by striking out the words "at usual place of voting" in section 1, and substituting therefor "at some central point in said beat or district;" also by adding the following to section 2: "provided further that the order of the probate judge

hereinabove required to be entered on the minute book of the county commissioners, or the record thereof as shown by said minute book, or a certified copy of said record may be offered in evidence, and shall be admissible in any court, and shall be proof that such election was held and the result thereof declared.

Jan. 11, 1907.

The State of Alabama, }  
Clay County. }

On this 4th day of February, 1907, before me, S. Y. Lamberth, clerk of the circuit court in and for said county and State, personally appeared T. B. Jordan, who being by me duly sworn, deposes and says that he is the publisher of the Standard, a newspaper published each week in Ashland, Clay county, Alabama, and who further deposes and says that the accompanying attached notice was published in said newspaper in said county and State, once a week for four consecutive weeks prior to the making of this affidavit, in the following issues: Jan. 11, 1907; Jan. 18, 1907; Jan. 25, 1907; and Feb. 1, 1907.

T. B. Jordan.

Sworn to and subscribed before me this 4th day of February, 1907.

S. Y. Lamberth,  
Circuit Clerk Clay Co., Ala.

H. 648. For the relief of E. Pippin, a confederate pensioned of Clarke county, Alabama.

And sends the same to the Senate, with notice and proof attached and exhibited herewith as follows:

#### NOTICE.

A bill will be introduced in the Legislature of 1907, to pay E. Pippin, a confederate pensioner of Clarke county, Alabama, thirty dollars, to which he is entitled under the pension law, but whose name through clerical error of State board of examiners was stricken from the roll as dead.

Dec. 27, 1906, 4t.

E. Pippin.

The State of Alabama, }  
 Clarke County. }

Before me, Clayton Fosque, judge of probate in and for said county, personally appeared Isaac Grant, who being by me duly sworn, deposes and says, that he is editor and publisher of the Clarke County Democrat, a weekly newspaper published in the town of Grove Hill, Clarke county, Alabama, and that the notice hereto attached as to legislation for the relief of E. Pippin has been published in said paper once a week for four consecutive weeks, to-wit: Beginning on December 27th, 1906, and ending on January 31, 1907. Isaac Grant.

Sworn to and subscribed before me, this 2nd day of February, 1907.  
 Clayton Fosque,  
 Judge of Probate.

H. 494. To authorize and require the board of revenue of Jefferson county, Alabama, to lay off said county into four districts, and to provide for the election of the members of said board.

And sends the same to the Senate, with notice and proof attached and exhibited herewith as follows:

#### NOTICE.

Notice is hereby given to the people of Jefferson county, Alabama, application will be made for the introduction and enactment of a bill at the next session of the Legislature of Alabama to provide for the division of Jefferson county into four districts, from each of which districts there shall be elected one member of the board of revenue, who shall reside in the district from which he is elected, and to provide for the election of the chairman of said board from the county at large. Said act will not affect the terms of office of the present members of the board of revenue.

The State of Alabama }  
 Jefferson County. }

Before me, G. H. Stevens, a notary public in and for said State and county, aforesaid, personally appeared

A. K. Williamson, part owner and manager of the Bessemer Workman, a newspaper published at Bessemer, Alabama, in said county, who being duly sworn, deposes and says that the above notice was published once a week for four consecutive weeks, in the issues of said paper on the following dates, to-wit: December 14, 21, 28, 1906, Jan. 4, 1907.

A. K. Williamson.

Sworn to and subscribed before me this 25 day of January, 1907.

G. H. Stevenson,

N. P.

H. 541. To grant unto the register in chancery of the chancery court of Jefferson county the power to exercise and perform on any day in term time all the duties and functions conferred upon him by law, and on any day in term time to grant and enter decrees pro confesso and any and all other decrees and orders which a register in chancery may grant or enter.

And sends the same to the Senate, with notice and proof attached and exhibited herewith as follows:

#### NOTICE.

Notice is hereby given that there will be introduced in the next Legislature for passage a bill or act in substance as follows:

#### A BILL

To be entitled an act to grant unto the register in chancery of the chancery court of Jefferson county the power to exercise and perform on any day in term time all the duties and functions conferred upon him by law and on any day in the term time to grant and enter decrees pro confesso and any and all other decrees and orders which a register may grant or enter.

Section 1. Be it enacted by the Legislature of Alabama, That from and after the passage of this act the register in chancery of the chancery court of Jefferson county shall have power to exercise and perform on any

day in term time all duties and functions conferred upon him by law and on any day in term time he shall have the power to grant and enter decrees pro confesso and any and all other decrees and orders which a register may grant or enter.

Section 2. Be it further enacted, That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

The State of Alabama, }  
Jefferson County. }

Before me, Selma O. Clements, a notary public in and for said State and county, personally appeared J. H. F. Mosley, who being duly and legally sworn, deposes and says that he is the publisher, manager and editor of the Labor Advocate; that the Labor Advocate is a newspaper published in the city of Birmingham, Jefferson county, Alabama; that the notice, a copy of which is hereto attached, was inserted, published and appeared regularly in the said Labor Advocate, in said Jefferson county, Alabama, once a week for four consecutive weeks, commencing Jan. 4, '07, without cost to the State of Alabama.

J. H. F. Moseley.

Sworn to and subscribed before me, this the 29th day of January, A. D., 1907.

Selma O. Clements,  
Notary Public.

H. 448. To repeal an act entitled an act to prohibit the sale, giving away or otherwise disposing of spirituous, vinous or malt liquors, or intoxicating bitters or beverages within certain territories therein described, in so far as the same relates to precinct number eight, including the town of Fitzpatrick and Thompson in Bullock county, Alabama, approved December 31st, 1897.

And sends the same to the Senate, with notice and proof attached and exhibited herewith as follows:

Notice is hereby given that application will be made to the next Legislature of Alabama to repeal Sec. one, two and three of Acts of 1896-97 which prohibits the sale, giving away or otherwise disposing of spirituous,

vinous or malt liquors, intoxicating ciders, bitters or fruits preserved in alcoholic liquors in precinct No. eight (8) of Bullock county, Ala., including the incorporations of the towns of Fitzpatrick and Thompson in Bullock county, Alabama.

The State of Alabama, }  
Bullock County. }

Before me, J. K. Franklin, a notary public in and for said State and county, personally appeared T. F. McGowan, who being duly sworn, doth depose and say on oath that the above notice has been published in The Union Springs Herald, a newspaper published in Bullock county, Ala., for 30 consecutive days.

T. F. McGowan.

Sworn to and subscribed before me this 24th day of Jan., 1907.

J. K. Franklin,  
Notary Public.

H. 585. To provide for and regulate the drawing, summoning and empaneling of juries in capital cases in Jefferson county.

And sends the same to the Senate, with notice and proof attached and exhibited herewith as follows:

#### NOTICE.

Notice is hereby given that a bill will be introduced in the next session of the Legislature of Alabama for the passage of an act, the substance of which will be to provide for and regulate the drawing, summoning and empaneling of juries in capital cases in Jefferson county; and in pursuance thereof to provide in substance:

That when any capital case or cases are set for trial in any of the courts of Jefferson county it shall be the duty of the presiding judge or one of the presiding judges of said court, or the court, to draw from the jury box as provided by law, at least one entire day before the day on which such capital case or cases are set, not

less than fifteen nor more than fifty names, at the discretion of such judge or court.

That said names may be drawn either in the week when such capital case or cases are set for trial, or in any week of the term previous to said week; provided that any capital case may be passed or set on any day of a week for which the names herein provided for have already been drawn.

That the sheriff shall summons the persons whose names are so drawn to appear on the day for which they are so drawn, and out of the number of those attending the court shall, in its discretion, proceed to organize either one or two juries of twelve men each, which said jury or juries and any extra jurors held as hereinafter provided, together with the regular juries drawn and empaneled for the week, shall constitute a venire for the trial of all capital cases set for trial during the week.

That if after organizing the two regular juries, there shall remain any qualified jurors summoned and in attendance from the regular venire, such jurors so remaining may be placed on either of the extra juries herein provided for, in case there be not a sufficient number of said special venire summoned and in attendance to complete said extra jury or juries. If, after organizing the extra jury, or juries, any qualified jurors shall be left over from the special venire, such remaining jurors may be placed on either of the regular juries, in case there be not a sufficient number of qualified jurors from the regular venire summoned and in attendance to complete said regular juries. If, after organizing the regular juries and the extra jury or juries, there remain any qualified jurors from either the regular or special venires, such remaining jurors may be held or discharged, in the discretion of the court; and, if held, they shall be duly sworn and shall constitute a part of the venire for the trial of all capital cases during the week, and in such event the extra jurors so remaining and sworn, together with the regular juries and the extra jury or juries, shall be and constitute the venire for the trial of all capital cases during the week.



Should there not be a sufficient number of qualified jurors so drawn and summoned, in attendance to complete all of said juries, both regular and extra, the presiding judge or the court, shall draw from the jury box not less than twice the number of names of jurors necessary to complete all of said juries. The persons so drawn must reside within two miles of the court house, and the said judge, or court, shall lay aside the names of any jurors residing more than two miles from the court house to be returned to the jury box; provided that no mistake made by the said judge, or court, as to the place of residence of any juror whose name is drawn from the jury box, whether within or beyond the two-mile limit, shall affect the legality of any jury organized under this act, nor the qualifications of any juror summoned. Such jurors so drawn shall be summoned by the sheriff and from those summoned and in attendance the court shall fill all such vacancies as may exist in said juries, either regular, special or both.

That if in organizing said venire, or filling any vacancies therein, there should appear to be any mistake in the name of any juror, the court shall ascertain if the juror be the person intended to be summoned as a juror, and, if so, said juror, if otherwise qualified, shall be a competent juror. But, if the court ascertains that he is not the person intended to be summoned as a juror, he shall be discharged. If the court ascertains that the juror is the person intended to be summoned, in that event the defendant shall not be entitled to challenge such juror either for that cause or peremptorily in addition to the other peremptory challenges allowed by law; provided that nothing in this act shall have the effect to change the law in reference to any mistake in the name of a juror made by the sheriff or clerk in the copy of the venire served on the defendant.

That said juries so empaneled, together with any remaining jurors that may be held and sworn, after organizing the regular juries and the extra jury or juries, shall constitute the venire for the trial of all capital cases that may be set for trial during the week for which

the same are organized, whether said cases are set prior or subsequent to drawing the names therefor.

That when the defendant in any capital case is confined in jail, the sheriff shall serve upon him a copy of the indictment, together with a list of the names drawn as herein provided, and when said names are drawn previous to the week when said case is set, he shall also serve a list of the regular jurors as drawn by the board of revenue, or jury commissioners, but when drawn the same week he shall serve only the list of regular jurors as organized for the week; but it shall not be necessary to serve the names of any persons drawn to complete either of said juries, regular or extra, or to fill any vacancies occurring therein; provided that said list need only contain the list of the persons drawn from which the venire shall be constituted, and need not specify which names are drawn for the regular juries and which for the extra juries.

That the presence of the defendant in court shall not be necessary either at the drawing or organizing of said jury or juries.

That upon the trial of any capital case, the defendant shall be entitled to ten peremptory challenges and the State to five; and, when two or more defendants are tried jointly each defendant shall be entitled to five peremptory challenges.

That if a capital case is called and ready for trial while a jury is engaged in the trial of another case, or deliberating on a case submitted to them or while one jury is engaged in the trial of another case and another jury deliberating on a case submitted to them, or while juries are deliberating on cases submitted to them, then, in either of such events, the jury for the trial of the case called and ready may be selected from the remainder of the venire.

That if in organizing the trial jury, the venire should be exhausted, the presiding judge or the court shall proceed to supply to deficiency in the same manner as provided in section 4 of this act, where a sufficient number of jurors fail to attend; and, if in organizing said trial jury, any juror or jurors upon the venire should be ab-

sent from any cause, the name or names of such jurors or jurors shall be laid aside when called, and the jury completed from the other members of the venire; provided, that if the venire be exhausted, such juror or jurors, shall be again called, and if present, shall be passed on before any names are drawn from the jury box to complete said trial jury.

If a mistake in the name of any juror be not discovered in the organization of the venire, but should be discovered in the organization of the trial jury, then the court shall ascertain if the juror be the person intended to be summoned as a juror, and, if so, he shall be passed on as other jurors; but if ascertained to be not the person intended to be summoned, he shall be discharged and his place supplied by drawing from the jury box in the manner provided in section 4 of this act for completing the juries; provided, however, that the presiding judge or court may in his discretion proceed with the organization of the jury, and need not fill such vacancy until the trial jury is completed or the venire exhausted.

To repeal all laws or parts of laws, either general or special, in conflict with the provisions of said act, so far as the same relates to Jefferson county, and to provide that said act shall become operative and go into effect immediately upon its passage.

The State of Alabama, }  
Jefferson County. }

I, James J. Smith, hereby certify that I am one of the publishers of The Birmingham Ledger, a newspaper published in Jefferson county, Alabama, and that the advertisement hereto attached has been published in said newspaper once a week for four consecutive weeks, prior to this date.

James J. Smith.

Sworn to and subscribed before me, this 2nd day of February, 1907.

D. N. Smith,  
Notary Public.

H. 599. To provide for the holding of sessions of the court of county commissioners for Coffee county, at Enterprise, Alabama, and to regulate the same.

And sends the same to the Senate, with notice and proof attached and exhibited herewith as follows:

NOTICE.

A bill will be introduced, and its passage applied for, in the Legislature of Alabama at the session beginning Jan. 8th, 1907, in substance as follows:

1. Requiring the court of county commissioners for Coffee county to hold its regular April and November terms at Enterprise, Alabama, instead of Elba, subject to change as to the time of such terms, as now provided by law.

2. Authorizing special terms of such court, notice thereof to be given required by law.

3. Investing said court at Enterprise with all the powers, authority, duties and jurisdiction conferred by law on such courts in this State, and providing that it shall be within the discretion of said court to exercise the same or any part thereof pertaining to the assessment of taxes, and the correction of errors therein either at Enterprise or Elba.

4. Requiring said court to provide accommodations for its sessions and business at Enterprise at the expense of Coffee county, and requiring the judge of probate to record the proceedings of the court at Enterprise, make all necessary orders and issue all necessary process to sustain its jurisdiction or maintain its authority.

5. Requiring all minutes, records, papers and proceedings pertaining to the business of the court at Enterprise to be kept there, and making it the duty of the judge of probate to have an office open kept there in which such records and papers shall be kept free to inspection as required by law. Requiring said court to appoint a suitable person to keep office and records and papers therein, and requiring such person to discharge ministerial acts pertaining to said court, in the name of

such judge of probate, and making the said judge liable on his bond for the act of such person.

6. Repealing all laws and parts of laws in conflict with the provisions of said proposed act.

The State of Alabama, )  
Coffee county. )

Before me, O. C. Doster, Jr., a notary public in and for said county, this day personally appeared G. W. Carlisle, known to me to be editor and publisher of The People's Ledger, a newspaper published at Enterprise, in the county of Coffee, in said State, who, being by me first duly sworn, doth state on oath, that he is editor and publisher of said newspaper, that the same is and has been for more than twelve months last past published and issued regularly in weekly editions in said county, and that the notice hereto attached marked "Exhibit A" relating to holding terms of the commissioners' court of Coffee county at Enterprise, was published without cost to the State, once a week for four consecutive weeks in said newspaper, in said county, next before the making of this affidavit.

G. W. Carlisle.

Sworn to, and subscribed before me, this the 2nd day of February, 1907.

O. C. Doster, Jr.,  
Notary Public.

H. 595. To legalize and authorize the payment of certain claims herein enumerated from the general fund of Clay county by the treasurer of said county.

And sends the same to the Senate, with notice and proof attached and exhibited herewith as follows:

#### NOTICE.

Notice is hereby given that a bill will be introduced in the present session of the Legislature of Alabama for the passage of an act the substance of which is as follows:

Whereas enactment No. 240 passed by the Legislature of Alabama in 1903 by reason of the fact that arti-

cle 106 of the Constitution of Alabama was not complied with and the requisite notice was not given previous to the passage of the bill, has been declared null and void by the county court of Clay; and whereas prior to the law having been declared void, certain claims had already been issued for work on public roads done by parties appointed to do such work under and by virtue of above mentioned act; therefore the Legislature will be asked to enact a law authorizing the payment by the county treasurer, out of the general fund of Clay county, of following claims which were issued for road work by authority of above mentioned enactment: E. P. Hood, \$3.50; J. R. Glenn, \$16.50; S. Sentell, \$7.50; M. V. Nichols, \$10.50; A. L. Lampkin, \$40.85; Matt Nappier, \$1.50; J. H. Cooley, \$22.50; E. P. Hood, \$24.00; J. F. Page, \$16.50.

The State of Alabama, }  
 Clay County. }

Before me, H. L. Wynn, a notary public, personally appeared T. B. Jordan, who being by me first duly sworn, doth depose and say; that he is the publisher of the Ashland Standard, a newspaper published weekly at Ashland, Alabama, the county seat of Clay county, and that the notice of proposed legislation hereon attached has been published in said paper four consecutive weeks, to-wit, in the editions of January 10, Jany. 17, January 24, January 31, 1907. (Signed) T. B. Jordan.

Sworn to and subscribed before me, on this 31st day of January, 1907. (Signed) H. L. Wynn.

Notary Public, Clayton County, Ala.

H. 425. To amend section two of an act "To create a separate school district in Midway, Alabama; to define its boundaries and provide for the maintenance of schools therein.

And sends the same to the Senate, with notice and proof attached and exhibited herewith as follows:

CHANGE IN SCHOOL LAWS OF THE MIDWAY DISTRICT NO. 24.

Notice is hereby given that the voters of Midway

school district No. 24, will ask the next Legislature through our representatives, H. P. Merritt, S. P. Rainer, and N. B. Powell, to change the local school laws of Midway school district No. 24, passed by the Legislature of Alabama in 1898 and 1899—See acts of Alabama 1898-1899, page 1701, making the trustees elective by the qualified voters of said school district, instead of appointive, their term of office beginning at the expiration of the term of present incumbents. Also that district line shall be changed so that all of that part of township 12, range 25, lying west of Pea river, be taken from this district No. 24, and be added to Pine Grove district No. 4, and further, that public school funds for Midway district No. 24, be paid direct to the chairman of said board of trustees by State superintendent of education.

The State of Alabama, }  
 Bullock County. }

Before me, in and for the said county and State, personally appeared F. B. Haynes, who is one of the publishers and proprietors of the Union Springs Herald, a newspaper published in Union Springs, Bullock county, State of Alabama, and who being duly sworn deposes and says: That the notice hereto attached headed "Change in School Laws of the Midway District No. 24," was duly published in the Union Springs Herald, the said newspaper, of which he is one of the proprietors and publishers, for four consecutive weeks, commencing on Jan. 2nd, 1907, and ending on the 23rd day of January, 1907.

F. B. Haynes.

Subscribed and sworn to before me, this 23rd day of January, 1907.

Jas. B. Hunter,  
 Notary Public.

H. 388. To repeal an act entitled 'an act to incorporate the South Side Reading Club of Birmingham, Ala.' approved February 13, 1897.

And sends the same to the Senate with notice and proof attached and exhibited herewith as follows:

## NOTICE.

Notice is hereby given that at the next session of the Legislature of Alabama, the undersigned will apply for the passage, separately and severally, of the following acts by the Legislature of Alabama:

## "A BILL,"

To be entitled "an act to repeal an act entitled 'an act to incorporate the South Side Reading Club of Birmingham, Ala.'" Approved February 13, 1897.

Be it enacted by the Legislature of Alabama:

1. That an act entitled "an act to incorporate the South Side Reading Club of Birmingham, Ala," approved February 13, 1897, be, and the same is, hereby repealed.

The State of Alabama, }  
Jefferson County. }

Before me D. N. Smith, a notary public in and for said county and State, personally appeared James J. Smith, who being duly and legally sworn, deposes and says that he is the business manager of the Birmingham Ledger; that the said Birmingham Ledger is a newspaper published in the city of Birmingham, Jefferson county, Alabama; that the notice, a copy of which is hereto attached was inserted, published and appeared regularly in the said Ledger in said Jefferson county, Alabama, once a week for four consecutive weeks without cost to the State of Alabama.

James J. Smith.

Subscribed and sworn to before me this 17th day of January, 1907.

D. N. Smith, Notary Public.

H. 286. To amend sections 2, 11, 15, 17, 19 and 26, and to repeal section 16 of an act entitled an act to provide for the better working of the public roads in Cren-



shaw county, Alabama, approved March 4, 1903.

And sends the same to the Senate with notice and proof attached and exhibited herewith as follows:

Notice is hereby given that the following bill will be presented for enactment into law by the legislature of Alabama, at the session beginning January 8, 1907:

#### A BILL

To be entitled an act to amend sections 2, 11, 15, 17, 19, and 26, and to repeal section 16 of an act entitled an act to provide for the better working of the public roads in Crenshaw county, Alabama, approved March 4, 1903.

Section 1. Be it enacted by the Legislature of Alabama: That sections 2, 11, 15, 17, 19, and 26 of an act entitled an act to provide for the better working of the public roads of Crenshaw county, Alabama, approved March 4, 1903, be, and the same is hereby, amended to read as follows:

That section 2 be amended so as to read as follows: That the court of county commissioners, at a meeting to be held within twenty days after the passage of this act, and on the second Monday in November, 1908, and every second year thereafter, must divide the county into a convenient number of road districts, and must appoint three superintendents of public roads for each election precinct in the county and one overseer for each road district, who shall be not less than twenty-one nor more than forty-five years of age. All vacancies may be filled by either the court of county commissioners or the probate judge, and a record of the road districts and of the appointment of superintendents and overseers shall be made and kept by the court of county commissioners.

2. That section 11 be amended so as to read as follows: That all persons not less than eighteen nor more than forty-five years of age are liable to work the roads, except females, those who live in an incorporated town and work on the streets of the same or pay a street tax,

school district trustees, members of the county school board, maimed or disabled persons who procure a certificate of disability from the county medical board or two reputable physicians, and all other persons who are now exempted under the general road law.

3. That section 15 be amended so as to read as follows: That when any hand makes default he may come before the overseer within five days with his excuse, as provided in section fourteen of this act, and the overseer may excuse him in so far as not to return him before a justice of the peace; but no road hand shall for any cause whatsoever escape the duty required of him in working the public roads the number of days required by law, if called by the overseer; and when in default and not returned he may discharge the duty imposed on him by doing any reasonable amount of work assigned to him by the overseer, or he may pay to the overseer a commutation fee of three dollars for each day he was in default; and any road hand failing presently to pay the commutation fee, or promptly and satisfactorily to do the work assigned, shall be guilty of a misdemeanor and shall be forthwith returned as a defaulter.

4. That section 16 be, and the same is hereby, repealed.

5. That section 17 be amended so as to read as follows: That it shall be the duty of justices of the peace to turn over all monies received by them as fines from road defaulters to the overseer of the road to whom said defaulter was apportioned at the time, making on entry of the same on their dockets, and such overseer shall, with the money so received together with all the commutation fees received or collected by him, hire hands to work on the road to which such defaulter and those paying a commutation fee were at the time apportioned and such overseer shall before the meeting of each grand jury make out a full and complete statement of the amount of money received, by whom, when and from whom received, and how and to whom paid, and shall turn the same over to one of the road superintendents of the precinct who shall present it to the first grand

jury thereafter, and any overseer or superintendent failing herein shall be guilty of a misdemeanor.

6. That section 19 be amended so as to read as follows: That the superintendents and overseers shall, for their prompt and faithful service as superintendent and overseer for a term of two years, be exempted from road duty for one year. All overseers who have served as such for two years immediately preceeding the first meeting of the court of county commissioners mentioned in section two of this act shall be exempted from road duty for one year.

7. That section 26 be amended so as to read as follows: That all laws of a general or special character in harmony with this act are unaffected by its provisions, but all laws of a general or special character in conflict with its provisions are hereby repealed. Provided. That the word "apportioner" in any general or special road law shall be construed to mean superintendent.

#### AFFIDAVIT OF PUBLISHER.

The State of Alabama     }  
Crenshaw County.         }

Personally appeared before me A. B. Brooks, register in chancery for said county, H. Y. Brooke, who being by me first duly sworn, deposes and says that he is the editor and proprietor of the Crenshaw county Critic, a weekly newspaper published at Luverne, county of Crenshaw, State of Alabama, and that the notice of intention to pass a bill to amend an act to provide for working the roads of Crenshaw county, approved March 4, 1903, a copy of which is hereto attached, was published in said paper for thirty days prior to the date of this affidavit; that the first insertion was in the issue of Thursday, the 6th day of Dec., 1906, and that the last insertion was in the issue of Thursday, the 3rd day of January, 1907.

H. Y. Brooks.

Subscribed and sworn to before me this 17th day of January, 1907.

A. B. Brooks,  
Register in Chancery.

H. 536. To prohibit the sale, barter, exchange or giving away of spirituous, vinous or malt liquors or intoxicating drinks within Camp Smith Precinct No. 12, and Wheelers Precinct No. 9, in Colbert county.

And sends the same to the Senate with notice and proof attached and exhibited herewith as follows:

#### NOTICE OF PROPOSED LEGISLATION.

Notice is hereby given that the following bill will be introduced and passed at the approaching session of the Legislature of Alabama, which convenes on the 8th day of January, 1907, to-wit:

#### A BILL TO BE ENTITLED:

An act to prohibit the sale, barter, exchange or giving away of spirituous, vinous or malt liquors or intoxicating drinks within Camp Smith Precinct No. 12, and Wheelers Precinct No. 9, in Colbert county:

Section 1. Be it enacted by the Legislature of Alabama, That from and after the passage of this act it shall be unlawful to sell, barter, exchange or give away spirituous, vinous or malt liquors or intoxicating drinks within Camp Smith Precinct No. 12 and Wheelers Precinct No. 9, in Colbert county.

Section 2. Any person violating the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than fifty nor more than five hundred dollars, and may be sentenced to hard labor for the county for not less than three nor more than twelve months.

The State of Alabama }  
Colbert County. }

Before me, L. C. Rather, a notary public in and for said State and county personally appeared John W. Davis who being by me duly sworn deposes and says that he is the editor and publisher of the Tuscumbia Dispatch and was the editor and publisher of the same during the month of January 1907, and that the said Tus-

cumbia Dispatch is and was a newspaper published in Colbert county, Alabama, and that the above and foregoing notice which is hereto attached and which gives notice of an intention to apply for the passage of a law to prohibit the sale barter or exchange or giving away of spirituous vinous or malt liquors or intoxicating drinks within Camp Smith Precinct No. 12 and Wheelers Precinct No. 9, in Colbert county, was published for four consecutive weeks, in the said Tusculumbia Dispatch in the said county of Colbert, beginning in the 5th day of January, 1907.

John W. Davis.

Sworn to and subscribed before me on this the 28th day of January, 1907.

L. P. Rather, Notary Public.

H. 112. To regulate the sale of kerosene oil in this State, to require every person, firm or corporation who sells kerosene oil at wholesale or in job lots in this State to keep an office or place of business for sale of said oil open at least at one place in each county where they sell oil during business hours at all times except Sunday and legal holidays, and to punish violators of the provisions of this act.

And sends the same to the Senate.

Cyrus B. Brown, Clerk.

#### HOUSE MESSAGES.

The House bills in the foregoing house message were severally read once and referred to appropriate standing committees as follows:

H. 371. To Penitentiary Prisons and Punishments.

H. 119, 120. To Revision of Laws.

H. 562. To Public Health.

H. 631, 494, 585, 599, 595, 425, 388. To Local Legislation.

H. 648. To Finance and Taxation.

H. 541, 112, 286. To Judiciary.

H. 448, 536. To Temperance.

## RESOLUTIONS.

Mr. Leith offered the following resolution, to-wit:

S. R. 47. Be it resolved by the Senate of the State of Alabama, That the Senator from Walker, M. L. Leith, be relieved from further serving as committeeman on revision of the Journal.

Which resolution was referred to the Committee on Rules.

Mr. Blackmon offered the following resolution:

S. R. 48. Resolved by the Senate, That beginning with Monday the afternoon sessions shall be devoted to the passage of local bills, and each Senator shall have the right to call up a local bill as his name is reached on the calendar.

Which resolution was referred to the Committee on Rules.

## MESSAGE FROM THE HOUSE.

Mr. President:

The House has passed the following Senate bills:

S. 16. To fix and establish the maximum rates to be charged by railroads now operating, or which may hereafter operate, as common carriers in whole or in part in the State of Alabama, for the transportation, originating and terminating within the State, of certain articles, and for this purpose to classify said articles and said railroads.

And sends same herewith to the Senate.

S. 43. To regulate railroads and other common carriers in this State, to secure reasonable rates and adequate service, and prevent unjust discrimination in their public service, and prescribe penalties for violation thereof.

And sends same herewith to the Senate.

S. 44. To create a railroad commission to be known as the "Railroad Commission of Alabama," define its duties and powers and provide for its mode of procedure and prescribe penalties for violation of its orders.

And sends same herewith to the Senate.

S. 18. To prevent any officer, agent or employee of any person, company or corporation owning or operating as a common carrier any railroad in whole or in part in this State, from charging or receiving for the transportation, originating and terminating within the State, of any article a greater or higher rate of compensation than that established by statute where a rate for the transportation of such article has been established by statute, or from refusing to receive such article for transportation at the rate established by statute.

And sends same herewith to the Senate.

S. 106. To require and authorize the railroad commission to prescribe rules, regulations and requirements for the issuance and use of interchangeable mileage tickets and coupon tickets on and over lines of transportation of railroad common carriers of passengers in this State, and punish any violation of such orders, rules, regulations and requirements.

And sends same herewith to the Senate.

S. 116. To amend section two (2) three (3) five (5) six (6) seven (7) eight (8) nine (9) ten (10) thirteen (13) and fourteen (14) of an act entitled an act to establish an inferior criminal court in the county of Mobile, approved February 23, 1899.

And sends the same herewith to the Senate.

Cyrus B. Brown, Clerk.

#### SPECIAL ORDER SET.

On motion of Mr. Barbour

S. 221. To amend section seventeen of an act to establish a uniform system for the examination and licensing of teachers of public schools, approved February 10th, 1899, amended February 8th, 1901.

Was made a special order for Tuesday, February 19, 1907, at 12 o'clock, p. m.

#### REPORT OF COMMITTEE.

Mr. Spragins from the Committee on Engrossed Bills made the following report:

The Committee of Engrossed Bills report that they have examined Senate bills numbered 48, 62, 146 and 230, and compared them with the original bills respectively and found to be correct.

February 14th, 1907.

Robt. E. Spragins,  
Chairman.

#### RECONSIDERATION OF VOTE.

On motion of Mr. Overton the vote by which house bill

H. 110. Relating to the preservation, propagation and protection of the fish of Alabama.

Was lost on yesterday was reconsidered, and on motion of Mr. Overton the vote by which said bill was ordered to a third reading was reconsidered. Mr. Overton then offered the following amendment to the bill:

Amend the bill by striking out sections 2, 6, 7, 8, 9, and 10.

Also amend the bill by arranging the remaining sections so as to conform numerically consecutively.

Which amendment was adopted.

Yeas, 24; nays, 2.

Yeas:

Messrs:

Barbour	Hayes	Lusk	Reynolds
Doster	Hinson	Merritt	Spragins
Forrester	Horton	Miller	Strother
Gardner	Jones	Moody	Teasley
Gunn	King	McWhorter	Thomas
Hamner	Lowe	Overton	Wimberly

—24.

Nays:

Messrs:                      Blackmon      Leith                      —2.

And the bill as thus amended was read a third time at length and passed.

Yeas, 20; nays, 3.



Yeas :

Messrs :

Barbour	Heacock	Lowe	McWhorter
Doster	Hinson	Lusk	Overton
Forrester	Horton	Merritt	Reynolds
Gardner	Jones	Miller	Thomas
Gunn	King	Moody	Wimberly

—20.

Nays :

Messrs :

Blackmon	Leith	Strother
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—3.

#### BILLS ON THIRD READING.

The bill :

S. 17. To provide the manner in which any person, company or corporation owning or operating as a common carrier any railroad in whole or in part in this State may contest the validity, or reasonableness and fairness of any maximum rate established by statute to be charged by railroads for the transportation, originating and terminating within the State, of articles, and have the same annulled or the enforcement thereof enjoined or restrained.

Was taken up.

The following amendment offered by the committee was adopted :

Amend section one, insert after word "complaint" in line eight, section one of the original bill, the words "if such contest be instituted in a State court."

And amend section two by striking out the words "for the use of said shippers or persons paying said freights."

Amend section three, by striking out the words "for the use of said shippers" in line twenty-six of said section three.

And amend section by inserting after the word "annulled" in line thirty-nine, in section two, the words "said bond shall be collectable by suit or otherwise only by the State of Alabama by direction of the governor."

Amend section three, by inserting after the word "enjoined" in line thirty-three, the same words "said bond

shall be collectable by suit or otherwise only by the State of Alabama, by direction of the governor."

Yeas, 20; nays, 0.

Yeas:

Messrs:

Barbour	Hamner	Jones	McWhorter
Doster	Hayes	King	Overton
Forrester	Heacock	Leith	Spragins
Gardner	Hinson	Lusk	Strother
Gunn	Horton	Merritt	Wimberly.

—20.

And the bill as amended was read a third time, at length, and passed.

Yeas, 23; nays, 2.

Yeas:

Messrs:

Barbour	Hayes	Lowe	Reynolds
Doster	Heacock	Lusk	Spragins
Forrester	Hinson	Merritt	Strother
Gardner	Horton	Moody	Thomas
Gunn	Jones	McWhorter	Wimberly
Hamner	Leith	Overton	

—23.

Nays: Messrs. Blackmon and King—2.

The bill:

S. 219. To provide for the revocation of the license or right to engage in or carry on the business of the transportation, originating and terminating in this State, of freight or passengers, of any foreign corporation which is now engaged, or which may hereafter engage, in such business, or the business of common carrier in this State, in the event such corporation shall for any of the purposes specified in this act, institute in any federal court any suit or proceeding or shall remove or cause to be removed to any federal court any suit or proceeding instituted in any State court for any of the purposes specified in this act.

Was taken up.

Mr. Thomas made a motion to recommit the bill to the Judiciary committee.

Mr. Lusk made a motion to table Mr. Thomas' motion to recommit the bill; which motion prevailed.

Yeas, 17; nays, 5.

Yeas:

Messrs:

Barbour	Hamner	Lowe	Overton
Blackmon	Hayes	Lusk	Reynolds
Doster	Horton	Merritt	Spragins
Gardner	Leith	McWhorter	Wimberly
Gunn			

—17.

Nays:

Messrs:

Forrester	King	Teasley	Thomas
Jones			

—5.

Mr. Thomas made a motion to postpone further consideration of the bill, and make it a special order for next Tuesday at 12 o'clock noon and that 300 copies be printed for the use of the Senate. Mr. Gardner moved to table Mr. Thomas' motion; which motion was lost.

Yeas, 12; nays, 14.

Yeas:

Messrs:

Gardner	Horton	Merritt	Reynolds
Hamner	Leith	McWhorter	Strother
Heacock	Lusk	Overton	Wimberly

—12.

Nays:

Messrs:

Barbour	Gunn	King	Spragins
Blackmon	Hayes	Lowe	Teasley
Doster	Hinson	Moody	Thomas
Forrester	Jones		

—14.

Mr. Thomas' motion prevailed and the bill was made a special order for Tuesday, February 19, 1907, at 12 o'clock noon, and 300 copies ordered printed for the use of the Senate.

The bill:

H. 462. To amend section 2301 of the Code.

Was read a third time at length and passed.

Yeas, 21; nays, 0.

Yeas:

Messrs:

Barbour	Hayes	King	Moody
Doster	Heacock	Leith	McWhorter
Forrester	Hinson	Lowe	Reynolds
Gardner	Horton	Lusk	Strother
Gunn	Jones	Merritt	Wimberly
Hamner			

—21.

The bill:

S. 142. For the government of juvenile delinquents in the county of Mobile, Alabama.

Was read a third time at length and passed.

Yeas, 20; nays, 1.

Yeas:

Messrs:

Barbour	Hamner	Lowe	Reynolds
Blackmon	Heacock	Merritt	Strother
Forrester	Horton	Miller	Teasley
Gardner	Jones	McWhorter	Thomas
Gunn	King	Overton	Wimberly

—20.

Nays: Mr. Leith.

The bill:

S. 67. To further regulate the practice and proceedings in the chancery courts of the State.

Was taken up.

Mr. Strother made a motion to indefinitely postpone the bill and amendment offered by the committee. Mr. Lusk made a motion to table the motion offered by Mr. Strother, which motion was lost.

Yeas, 3; nays, 18.

Yeas: Messrs. Jones, Lusk and Moody—3.

Nays:

Messrs:

Barbour	Heacock	Miller	Spragins
Blackmon	King	McWhorter	Strother
Doster	Leith	Overton	Teasley
Gardner	Lowe	Reynolds	Thomas
Gunn	Merritt		

—18.

Mr. Strother's motion prevailed and the bill and amendment were indefinitely postponed.

The bill:

S. 30. To provide the indigent children of this State in attendance on the public schools of said State with text books and to provide for their preservation and to fix a penalty for the violation of this act.

Was taken up.

The following substitute to said bill was offered by the committee, to-wit:

#### A BILL

To be entitled an act to provide the indigent children of this State in attendance on the public schools of said State with text books and to provide for their preservation and to fix a penalty for the violation of this act.

Section 1. Be it enacted by the Legislature of Alabama, That it shall be the duty of the respective boards of education of the several counties in this State to provide the necessary text books free of charge to each pupil in actual attendance on the public schools of this State on the certificate upon a certificate of a teacher in the school upon which said pupil is in attendance that in the opinion of said teacher and to the best of his or her knowledge and belief the parents of said pupil or the guardian of same are unable to furnish said pupil with the necessary text books, provided that the county board of education endorses said application.

Section 2. Be it further enacted, That the said text books so furnished shall be paid for out of the general

State appropriation for school purposes made to each county in this State as certified to the several county superintendents of education in this State by the State superintendent of education or out of the funds available out of any county funds in the hands of said county superintendents for school purposes.

Section 3. Be it further enacted, That said books shall be paid for out of the said funds by the respective county superintendents of education of this State on the order of the several county boards of education of the several counties of this State and said books so furnished shall be and remain the property of the State of Alabama.

Section 4. Be it further enacted, That each teacher making the certificate above named shall keep a list of the books so furnished and that said books shall be by the said pupil or his or her parent or guardian returned to the several county boards of education of this State when said pupil shall have finished with said books.

Section 5. Be it further enacted, That it shall be unlawful for any person to wantonly or unnecessarily abuse said books.

Mr. Reynolds offered the following amendment to said substitute:

Add to section three at the end thereof the following words "Provided that the moneys expended for books shall be charged up against the school district in which the parent or guardian of the child for whose benefit they are bought resides and to the funds set apart by the respective county boards of education for the race to which the parent or guardian of said child belongs.

Which amendment was adopted.

Yeas, 18; nays, 0.

Yeas:

Messrs:

Barbour	Hamner	Lowe	Spragins
Blackmon	Hayes	McWhorter	Strother
Forrester	Heacock	Overton	Teasley
Gardner	Jones	Reynolds	Thomas
Gunn	Leith		

—18.

Pending the further consideration of said bill the Senate on motion of Mr. Thomas,

ADJOURNED.

Until 12 o'clock noon on Monday, Feby. 18th, 1907.

## TWENTY-SEVENTH DAY.

Monday, Feby. 18, 1907.

The Senate met pursuant to adjournment, with President pro tem E. P. Thomas in the chair.

Prayer by Rev. Avery of the House of Representatives.

### ROLL CALL.

Present:

Messrs:

Barbour	Hamburger	Lowe	Reynolds
Bayles	Hamner	Lusk	Spragins
Blackmon	Hayes	Merritt	Strother
Davis	Heacock	Miller	Teasley
Doster	Hinson	Moody	Thomas
Forrester	Horton	McWhorter	White
Gardner	Jones	Overton	Wilson
Glenn	King	Reese	Wimberly.
Gunn	Leith	Reid	

--35.

On motion of Mr. Merritt the reading of the Journal was dispensed with and the same was approved.

### PRIVILEGES OF THE FLOOR.

Privileges of the floor were granted to J. B. Babb, R. B. Kelly, Jesse Herrin, Jno. C. Eyster, W. H. Banks, G.

C. Phillips, Jas. S. Prewit, Chas. Eyster, Herbert Craig-head for today.

#### RESOLUTIONS.

Mr. Reynolds offered the following resolution :

S. R. 49. Resolved, that beginning with Wednesday, Feb. 20, 1907, the Senate meet daily at ten a. m. and remain in session till one p. m. and adjourn then until three p. m. and remain in session till six p. m. unless the business of the day be sooner disposed of, provided this shall not interfere with the adjournments over heretofore ordered.

Which on a suspension of the rules was adopted.

#### INTRODUCTION OF BILLS.

On a call of the districts, bills were introduced, read one time and referred to appropriate standing committees, as follows :

By Mr. Blackmon :

S. 323. To aid in the establishment of libraries in free public schools of this State.

Education.

By Mr. Reynolds :

S. 324. To provide for the establishment of high schools in this State and to make appropriations for the maintenance thereof and to provide for the operation of said schools.

Education.

By Mr. Reynolds :

S. 325. To regulate the fees of justices of the peace and constables in Bibb county.

Local Legislation.

With notice and proof as follows :

#### LEGAL NOTICE.

Notice is hereby given that application will be made to the Legislature which convene on the eighth day of January, 1907, to pass an act regulating the fees of jus-



tices of the peace, for the issuance and trial of garnishment cases, also the fees of constables, deputy sheriffs, or other executive officers, for serving all process in garnishment suits before justices of the peace, in Bibb county, Ala., so that in no event shall the costs of a garnishment suit exceed two dollars and fifty cents, the same to be divided as follows: \$1.10 to the justice for the issuance of all process, taking answer and the trial of the cause; \$1.00 to the constable or deputy sheriff for the service of the writ, summons and notice of garnishment, and 40 cents to garnishee for making his answer. Said bill will also provide that no garnishment proceedings shall be sued out against any defendant for any debt less than five dollars. Said bill will also make it a misdemeanor for any justice or other officer to collect, or to attempt to collect, the original garnishment costs from any defendant on proceedings of garnishment on judgment, when the answer of the garnishee in the original process discloses the fact that the defendant was not in the employment of the garnishee, or that garnishee was not indebted to the defendant; provided that justices may collect for issuance of summons and complaint in said causes 60 cents, and constables for service of summons and complaint may collect 50 cents. T. S. Dark.

The State of Alabama     }  
                   County of Bibb.     }

Before me, T. S. Dark, a notary public in and for said county and State, personally appeared C. E. Allen, editor and publisher of the Blocton Enterprise, a weekly newspaper published at West Blocton, Alabama, who being by me first duly sworn, says on oath that the above notice was published in said paper for four consecutive weeks before the introduction of the bill in the premises. He further sayeth that the above notice is an exact publication referred to, that the same was clipped out of the said Blocton Enterprise.

C. E. Allen,  
 Editor and Publisher of the Blocton Enterprise.

Sworn to and subscribed before me this February 12, 1907.

T. S. Dark,  
 Notary Public.

By Mr. Reynolds:

S. 326. To repeal an act entitled an act to amend section 4630 of the criminal code, so far as the same relates to beats No. 10 and 11, in Bibb county, Alabama, same approved Feb. 21st, 1899.

Local Legislation.

With notice and proof as follows:

#### LEGAL NOTICE.

Notice is hereby given that application will be made to the Legislature of the State of Alabama which convenes on the 8th day of January, 1907, to repeal "An act entitled an act to amend section 4630 of the criminal code, so far as the same relates to beats Nos. 10 and 11 in Bibb county, Ala.," same approved February 21, 1899. The object of said proposed legislation is to repeal said act which gives justices of the peace in said beats increased or enlarged jurisdiction.

J. M. McMaster,  
T. S. Dark,  
W. H. Wright.

The State of Alabama, }  
County of Bibb. }

Before me, T. S. Dark, a notary public in and for said county and State, personally appeared C. E. Allen, editor and publisher of the Blocton Enterprise, a weekly newspaper published at West Blocton, Alabama, who being by me first duly sworn, says on oath that the above notice was published in said paper for four consecutive weeks before the introduction of the bill in the premises. He further sayeth that the above notice is an exact publication referred to, that the same was clipped out of the said Blocton Enterprise.

C. E. Allen,  
Editor and Publisher of the Blocton Enterprise.

Sworn to and subscribed before me, this February 12, 1907.

T. S. Dark,  
Notary Public.

By Mr. Reynolds:

S. 327. To amend section 7 of an act entitled an act to amend an act to regulate the trials of misdemeanors in Bibb county, approved December 14th, 1894.

Local Legislation.

With notice and proof as follows:

#### LEGAL NOTICE.

Notice is hereby given that application will be made to the Legislature of the State of Alabama, which convenes on the 8th day of January, 1907, to amend section 7 of an act entitled an act to regulate the trial of misdemeanors in Bibb county, Alabama, approved December 14, 1894. Said amendment will provide that all complaints for misdemeanors arising in that part of beat No. 6 north of and west of Little river, in said county, shall be taken out of the Centreville division of the county court, and that the same be made triable in the Blocton division of said county court, and to further provide for the transferring of all pending cases which originated in said territory from the Centreville division of said court to the Blocton division of said court.

T. S. Dark.

The State of Alabama, }  
County of Bibb. }

Before me, T. S. Dark, a notary public in and for said county and State, personally appeared C. E. Allen, editor and publisher of the Blocton Enterprise, a weekly newspaper published at West Blocton, Alabama, who being by me first duly sworn, says on oath that the above notice was published in said paper for four consecutive weeks before the introduction of the bill in the premises. He further sayeth that the above notice is an exact publication referred to, that the same was clipped out of the said Blocton Enterprise.

C. E. Allen,

Editor and Publisher of the Blocton Enterprise.

Sworn to and subscribed before me, this February 12, 1907.

T. S. Dark,  
Notary Public.

By Mr. King:

S. 328. To rearrange and extend the corporate limits of the town of Linden, Marengo county, Alabama.  
Local Legislation.

With notice and proof as follows

NOTICE.

Notice is hereby given that it is intended to apply to the Legislature of Alabama, at the session of 1907, to enact a law rearranging the boundaries of the town of Linden, Alabama, so as to include within the corporate limits of said town the following territory, to-wit: The southeast quarter and the south half of the northeast quarter of section 32; the west half of the southwest quarter of section 33; all in township 16, range 3 east. Also the west half of the northwest quarter, and the northwest quarter of the southwest quarter of section 4; the northeast quarter and the north half of the southeast quarter of section 5, all in township 15, range 3, east. All in Marengo county, Alabama.

This December 20, 1906.

The State of Alabama, }  
Marengo County. }

Before me, C. B. Cleveland, clerk of the circuit court in and for the county and State aforesaid, personally appeared Wm. Cunningham, who being by me first duly sworn, deposes and says:

1. That the Marengo Democrat is a newspaper published in Marengo county, Alabama, and that he is the proprietor of said paper.

2. That the attached notice was published in said newspaper for four consecutive weeks prior to this date, and in the months of January and February, 1907.

Wm. Cunningham.

Sworn to and subscribed before me this the 14th day of February, 1907.

C. B. Cleveland,  
Clerk of the Circuit Court.

By Mr. Hays:

S. 329. To grant to towns and cities which own and operate dispensaries the power to contract with the governing body of the county in which such town or city is situated to give to such county fifty per cent of the net revenue of such dispensary for the purpose of paying interest upon, and providing a sinking fund for the redemption of, any bonds issued by such county for the purposes of constructing public roads in such county.

Judiciary.

By Mr. Reynolds:

S. 330. To regulate charges on excess baggage on all railroads propelled by steam or electricity in this State over five miles in length.

Commerce and Common Carriers.

By Mr. Reynolds:

S. 331. To require and authorize the railroad commission to prescribe rules, regulations and requirements for the issuance and use of interchangeable excess baggage tickets and coupon tickets on and over lines of transportation of railroad common carriers of passengers in this State, and punish any violation of such orders, rules, regulations and requirements.

Commerce and Common Carriers.

By Mr. Reynolds:

S. 332. To authorize the county commissioners of Perry county, Alabama, to appropriate annually from the funds of said county the sum of two hundred and fifty dollars for the use of the county board of education of said county to be used by said board for the sole and only purpose of advancing the interests of the public schools of said county.

Local Legislation.

With notice and proof as follows:

#### NOTICE.

The State of Alabama, {  
County of Perry. }

Notice is hereby given that a bill will be introduced in the next Legislature of Alabama, at the session com-

mencing in January, 1907, to authorize the county commissioners of Perry county, to appropriate \$250 annually, for the use of the county board of education of said county. Under the provisions of said bill, the said sum of money must be used by the said board for the sole and only purpose of advancing the interests of the public schools in Perry county.

Dated this the 7th day of January, 1907.

County Board of Education of Perry County.

Personally appeared before me C. H. Greer, editor of the Marion Standard, a paper published in the county of Perry, State of Alabama, who being duly sworn says the above notice to authorize the Perry county commissioners to appropriate \$250 annually for the use of the Perry county board of education to be used by them exclusively for school purposes was published four consecutive times prior to this date Feb. 8th, 1907, in the Marion Standard.

Chas. H. Greer.

Sworn to and subscribed before me, this the 8th day of February, A. D., 1907.

J. B. Shivers,  
Judge of Probate.

By Mr. Reynolds:

S. 333. To provide for the fixing of the salary of the county superintendent of education of Perry county, Alabama, and for the defining of the duties and requirements of said superintendent.

Local Legislation.

With notice and proof as follows:

#### NOTICE.

Notice is hereby given that a bill will be introduced in the next Legislature of Alabama, at the session commencing in January, 1907, to fix the salary of, and to define the duties and the requirements of the county superintendent of education of Perry county, Alabama. Under the provisions of said bill the said superintendent shall receive as his compensation 10 per centum of all the educational fund legally disbursed during his term

of office, provided that in no case shall he receive more than \$2,000.00 per annum. That said superintendent shall devote his entire time to the advancement of the best interests of the public schools in Perry county, Alabama, and that no person shall be eligible for election to said office, unless he is holder of a first grade teachers' certificate, or the equivalent thereof, of the State of Alabama.

Dated this the 7th day of January, 1907.

County Board of Education of Perry County.

Personally appeared before me C. H. Greer, editor of the Marion Standard, a paper published in Perry county, Alabama, who being duly sworn, says the above notice of a bill to be introduced into the Legislature of Alabama, said bill fixing the fees of county superintendent and prescribing his qualifications and duties, was published four consecutive times prior to the date, Feb. 8th, 1907, in the Marion Standard.

Chas. H. Greer.

Sworn to and subscribed before me, this the 8th day of February, A. D., 1907.

J. B. Shivers,  
Judge of Probate.

#### REPORTS OF COMMITTEES.

Mr. Lusk, chairman of the standing committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered some returned to the Senate with a favorable report:

S. 206. (With substitute.) To authorize and require the appointment of five commissioners to constitute a commission, to be known as "The Judiciary Commission" and prescribe the duties and powers thereof, and fix the compensation of the members and employees thereof.

Also,

H. 286. To amend sections 2, 11, 15, 17, 19, and 26, and to repeal section 16 of an act entitled an act to pro-

vide for the better working of the public roads in Crenshaw county, Alabama, approved March 4th, 1903.

Also,

H. 541. To grant unto the register in chancery of the chancery court of Jefferson county, the power to exercise and perform on any day in term time all the duties and functions conferred upon him by law, and on any day in term time to grant and enter decrees pro confesso and any and all other decrees and orders which a register in chancery may grant or enter.

Mr. Bayles, chairman of the standing committee on Revision of Laws, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report:

S. 300. To amend section 958 of the Code of Alabama of 1896.

Also,

S. 299. To further regulate the oral examination of witnesses in chancery causes.

Also,

S. 308. To prescribe the punishment of any person convicted of assault with intent to ravish.

Also,

S. 275. To prevent the giving or receiving of tips, rebates or any unusual or extra compensation for services other than salaries paid for same, and prescribe a penalty for such a violation of this act.

Also,

S. 320. To amend section 17 of an act entitled an act to provide for the holding the elections on the question of changing of county seats, and in the event of a majority of the qualified electors of the county voting at such election shall vote in favor of changing or locating county seats, to provide for changing or locating county seats under the erection of necessary county buildings and to provide for the necessary county officers.

Also,

H. 106. To amend the caption or title, and section 4, of an act entitled an act to authorize the court of county revenues of Dallas county to buy mules, horses, road machines and tools for the purpose of working the public



roads of Dallas county; to work the convicts of Dallas county on the public roads of said county, to employ laborers and superintendents to work, and supervise the working of the public roads of said county, to collect from persons subject to road duty, in lieu of work on said public roads, a sum of money not exceeding three dollars each per annum, and to provide for collecting the same; to buy for use on said public roads gravel, sand, chert and slag; to employ an engineer to grade said public roads; to fix the age of road duty from twenty-one years to sixty years; and to use such sums of money from the general fund of said county, for the purpose of working and improving said roads, as said court of county revenues may deem necessary, approved September 18, 1903 .

Also,

H. 39. To authorize the courts of county commissioners of the several counties, and other courts of like jurisdiction to compromise certain claims in favor of the counties.

Also,

H. 120. To amend section 4758 of the Code of 1896.

Also,

H. 119. To amend section 5542 of the Code of 1896.

Mr. Miller, chairman of the standing committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report:

H. 468. To provide for the payment of interest on the fund in the State treasury, the proceeds of lands sold by the "Alabama Girls' Industrial School."

Also,

H. 442. To amend section 4447 of the Code of 1896.

Also,

S. 109. To aid and encourage technical education in the State of Alabama, in providing for the erection and equipment of buildings and increased facilities at the Alabama Polytechnic Institute.

Also,

H. 254. To amend an act to provide for clerical help in the State treasurer's office, approved March 4th, 1903.

Also, (with amendment) :

S. 318. To make an appropriation to the Alabama Polytechnic Institute in lieu of the share of the proceeds arising from the sale of fertilizer tags now paid to the said institute.

Also,

H. 415. For the relief of William H. Clemmons, an ex-confederate soldier of the county of Tallapoosa, Alabama.

Also,

H. 648. For the relief of E. Pippin, a confederate pensioner of Clarke county, Alabama.

Also, (with amendment) :

H. 423. To appropriate annually \$67,000.00 or so much thereof as is necessary, to aid rural school districts in the State to erect or to repair public school houses.

Mr. Merritt, chairman of the standing committee on Local Legislation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report :

H. 98. To repeal an act, to regulate the fine and forfeiture fund of Blount and Cullman counties, and to provide for the payment of State witnesses out of the same, approved February 8th, 1901, and an amendment thereto, entitled "An act to repeal section 1 of an act to regulate the fine and forfeiture fund of Blount and Cullman counties and to provide for the payment of State witnesses, approved Feb. 8th, 1901, and to amend section three, ten and eleven of said act, so far as the same relates to Cullman county, approved September 22, 1903, so far as the same relates to Cullman county.

Also,

H. 425. To amend section two of an act "To create a separate school district in Midway, Alabama, to define its boundaries and provide for the maintenance of schools therein.

Also, (with substitute) :

H. 620. To declare an act entitled "An act to amend section eleven of an act to declare the powers and jurisdiction of the city court of Gadsden in Etowah county, approved October the 1st, 1903.

Mr. Overton, chairman of the standing committee on Commerce and Common Carriers, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report

S. 281. To amend section 2516 of the Code, relating to the improvement of navigable streams by the court of county commissioners, and conferring the power of eminent domain therefor.

Mr. Davis, chairman of the standing committee on Privileges and Elections, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report :

S. 298. To further regulate the registration of electors and persons entitled to registration in the State of Alabama.

Also,

S. 307. To authorize the court of county commissioners or board of revenue of any county authorized to levy a special tax for working the public roads to transfer to the road fund any surplus of general county funds in the county treasury.

Mr. Merritt, chairman of the standing committee on Local Legislation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report :

H. 569. To repeal an act entitled an act, to provide for the sale of liquors in the precinct of Mooresville, in Limestone county, Alabama, approved September 9th, 1903.

The foregoing bills contained in said committee reports were severally read a second time and placed on the calendar.

## RETURN OF BILL.

Mr. Bayles, from the committee on Revision of Laws, returned Senate bill 268, To amend sections 3093, 3094, 3095, 3098, 3099, 3102, 3105, 3106 and 3108 of the Code of Alabama, 1896, without recommendation and requested that same be referred to the committee on Banking and Insurance, which was accordingly done.

## SPECIAL ORDER SET.

On motion of Mr. Lusk,

S. 206. To authorize and require the appointment of five commissioners to constitute a commission, to be known as "the Judiciary Commission", and prescribe the duties and powers thereof and fix the compensation of the members and employees thereof.

Was made a special order for Wednesday, Feby. 20, 1907, at 12 o'clock m.

And

S. 69. To amend sections 897, 900, 905, 906, 907, 908, and 911 of article 1, chapter 19 of the Code of Alabama.

Was made a special order for Wednesday, February 20, 1907, at 12:30 o'clock p. m.

## MESSAGE FROM THE SENATE.

Mr. President:

The House has adopted the following joint resolution herewith sent:

By Mr. John:

H. J. R. No. 133. Resolved by the Legislature of Alabama, That when the two Houses adjourn today, February 18th, that they adjourn to meet Wednesday, February 20th, and when they adjourn on the 21st they adjourn to meet on February 23, 1907; that all standing committees shall meet on both days, on which the Legislature is not in session.

Cyrus B. Brown,  
Clerk.

## HOUSE MESSAGE.

The Senate concurred in the House joint resolution, set out in the above and foregoing message from the House.

Yeas, 23; nays, 9.

Yeas:

Messrs:

Barbour	Hamburger	Leith	Reid
Davis	Hamner	Lowe	Reynolds
Doster	Hayes	Lusk	Strother
Gardner	Heacock	Merritt	Wilson
Glenn	Hinson	Miller	Wimberly
Gunn	Horton	Overton	

—23.

Nays:

Messrs:

Bayles	King	Spragins	Thomas
Blackmon	Moody	Teasley	White
Jones			

—9.

## REPORT OF COMMITTEES.

Mr. Leith, from the committee on Revision of the Journal, made the following report:

Mr. President:

We, the committee on Revision of the Journal, report that we have, in session, examined the Senate Journals for the 26th legislative day and find the same to be correct.

M. L. Leith,  
Chairman.

Mr. Gardner, from the committee on Rules, reported, favorably, with an amendment, Senate resolution No. 48, heretofore offered by Mr. Blackmon, said resolution being as follows:

Resolved by the Senate, that beginning with Monday the afternoon sessions shall be devoted to the passage of local bills, and each Senator shall have the right to call up a local bill as his name is reached on the calendar.

Said proposed amendment offered by the committee being as follows; "Amend by striking out the letter a" in line six and insert in lieu thereof the word "two" also amend by striking out the word "Calender" in line 8 and insert in lieu thereof the word "roll call."

Mr. Leith offered the following amendment: "Amend by adding after the words 'afternoon session' the words 'so much time as is necessary.'"

Which amendment was adopted, and the report of the committee concurred in and the resolution was adopted.

#### MESSANGER FROM THE GOVERNOR.

Montgomery, Feb. 18, 1907.

To the Senate:

I hand you herewith for your confirmation or rejection, the names of the trustees of the Alabama School for the Deaf and Blind who have been elected since the last session of the Legislature.

B. B. Comer,  
Governor.

#### TO THE SENATE OF ALABAMA.

Gentlemen: Under the provisions of an act approved Feb. 12th, 1903, it becomes my duty to certify to you the trustees elected since the meeting of the last Legislature for the Alabama School for the Deaf located at Talladega. The trustees elected are as follows:

In May, 1904, the following were elected: from the fourth district, J. B. McMillan; from the sixth district, M. B. Cameron; from the fifth district, Dr. J. J. Harlan, each for a term of six years.

In May, 1906, the following were elected: From the fourth district, G. A. Joiner; from the seventh district, W. J. Boykin; from the eighth district, T. M. Hobbs; from the ninth district, Samuel E. Green, each for a term of six years.

At the same time, Hon. W. H. Hurt, from the fifth district, was elected to fill the vacancy caused by the removal of Dr. J. J. Harlan from the State.

Harry C. Gunnels,  
Supt. of Education.

## GOVERNOR'S MESSAGE.

The Senate confirmed the election of trustees of the Alabama School for the Deaf and Blind, as set out in the above and foregoing message from the governor.

## RETURN OF GOVERNOR'S MESSAGE.

On motion of Mr. Thomas the governor's message relative to the appointment or election of certain members of the board of trustees of the State University, was recalled from the committee on Education, and said report was ratified and confirmed. \*

## RETURN OF BILL.

Mr. Overton returned to the Senate S. B. 42, Relating to the liability of common carriers, doing business in the State of Alabama, to their employees.

And said bill was referred to the committee on the Judiciary.

## MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in the Senate amendments to the bill,

H. 110. Relating to the preservation, propagation and protection of the fish of Alabama.

And the House has amended as therein shown, and as amended has passed the following Senate bill,

S. 157. To provide for the payment out of the State treasury of salaries of judges of law and equity courts, city courts and other courts of general common law, equity and criminal jurisdiction, or either by whatsoever name called, now existing or that may hereafter be established by law, exercising jurisdiction over a single county having a population of not less than twenty thousand, and taxable property of not less than three million five hundred thousand dollars.

And sends same herewith to the Senate.

Cyrus B. Brown,  
Clerk.

## HOUSE MESSAGE.

On motion of Mr. Lusk the following amendment to Senate bill 157, the title to which is set out in the foregoing message from the House, adopted by the House was concurred in, to-wit:

Provided however that where city court judges of this State receive by law a larger salary than is allowed circuit judges, then the sum over and above the salary allowed by this act, shall be paid out of the county treasury, as now provided by law.

Yeas, 28; nays, 3.

Yeas:

Messrs:

Barbour	Glenn	Leith	Overton
Bayles	Gunn	Lowe	Reid
Blackmon	Hamburger	Lusk	Reynolds
Davis	Hamner	Merritt	Spragins
Doster	Hayes	Miller	Strother
Forrester	Horton	Moody	Thomas
Gardner	Jones	McWhorter	Wilson

—28.

Nays: Hinson, King, Reese—3.

## MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bill:

H. 665. To prescribe rules and regulations relating to demurrage and car service and charges therefor and the respective rights, duties, obligations, liabilities and remedies of common carriers by rail and shippers and consignees with respect to the furnishing of empty cars and the transportation and delivery of freight and delay of shippers and consignees in the loading and unloading of cars and the receiving of freight, and charges for such delay.

And sends the same to the Senate.

Cyrus B. Brown, Clerk.



## HOUSE MESSAGE.

The House bill in the foregoing House message was read once and referred to appropriate standing committee as follows:

H. 665. To Commerce and Common Carriers.

## MESSAGE FROM THE HOUSE.

Mr. President:

The Speaker of the House having signed the following House bills, your signature thereto is requested:

H. 111. Relating to the preservation, propagation and protection of game animals, wild birds and fish; establishing the department of game and fish, creating the office of State Game and Fish Commissioner, and providing for his election and compensation; creating the office of county game and fish warden, and deputy game and fish warden, and providing for their appointment and compensation; creating a game and fish protection fund and appropriating money therefor.

H. 389. To amend section 2030 of the Code.

H. 462. To amend section 2301 of the Code.

H. 110. Relating to the preservation, propagation and protection of the fish of Alabama.

Cyrus B. Brown,  
Clerk.

## SIGNING OF BILLS.

The President of the Senate, in the presence of the Senate, immediately after their titles had been publicly read at length by the secretary, signed the above House bills, the titles of which are set out in the foregoing message from the House. The reading at length of said bills having been dispensed with, by a two-thirds vote of a quorum of the Senate present.

## BILLS ON THIRD READING.

The bill:

H. 24. To make appropriations for the support and maintenance of the public schools of the State.

Was taken up.

The committee on Finance and Taxation offered the following amendment:

Amend by striking out section 4 of section one, which is in words and figures as follows:

"4. The further sum of three hundred thousand dollars from any money in the treasury not otherwise appropriated."

Further amend by striking out section two and inserting in lieu thereof the following:

"Section 2. The further sum of three hundred thousand dollars is hereby appropriated from and out of any money in the treasury not otherwise appropriated for the support and maintenance of the public schools of the State for the scholastic year 1907-1908, and for each scholastic year thereafter."

Mr. Barbour offered the following amendment to the amendment offered by the committee:

"Amend by striking out the words 'three hundred thousand dollars' and insert in lieu thereof the words 'three hundred and fifty thousand dollars.'"

Mr. Lusk moved to lay the amendment offered by Mr. Barbour on the table.

Which motion was lost.

Yeas, 13; nays, 21.

Yeas:

Messrs:

Glenn	Jones	Miller	Overton
Gunn	Leith	Moody	Reese
Hamner	Lusk	McWhorter	Reynolds
Horton			

—13.

Nays:

Messrs:

Barbour	Gardner	King	Strother
Bayles	Hamburger	Lowe	Teasley
Blackmon	Hayes	Merritt	Thomas
Davis	Heacock	Reid	White
Doster	Hinson	Spragins	Wilson
Forrester			

—21.

And the amendment offered by Mr. Barbour to the amendment proposed by the committee was adopted.

Yeas, 19; nays, 15.

Yeas:

Messrs:

Barbour	Forrester	Lowe	Teasley
Bayles	Gardner	Merritt	Thomas
Blackmon	Hamburger	Reid	White
Davis	Hayes	Spragins	Wilson
Doster	Hinson	Strother	

—19.

Nays:

Messrs:

Glenn	Horton	Miller	Reese
Gunn	Jones	Moody	Reynolds
Hamner	Leith	McWhorter	Wimberly
Heacock	Lusk	Overton	

—15.

Mr. Blackmon then offered the following amendment to said committee amendment as amended by Mr. Barbour, to-wit: "Amend by inserting the words "four hundred thousand dollars" in lieu of the words "Three hundred and fifty thousand dollars" where the same occurs in the bill or in the amendment thereto.

Which on motion of Mr. Lusk was laid on the table.

Yeas, 19; nays, 16.

Yeas:

Messrs:

Doster	Hinson	Miller	Reid
Gardner	Horton	Moody	Reynolds
Glenn	Leith	McWhorter	Wilson
Gunn	Lusk	Overton	Wimberly.
Hamner	Merritt	Reese	

—19.

Nays:

Messrs:

Barbour	Hamburger	King	Teasley
Bayles	Hayes	Lowe	Thomas
Blackmon	Heacock	Spragins	White
Davis	Jones	Strother	Wilson
Forrester			

—16.

Mr. Strother offered the following amendment to said committee amendment, to-wit: "Amend the amendment by adding at the end thereof the words "The sum of four hundred thousand dollars."

Which on motion of Mr. Miller was laid on the table.  
Yeas, 20; nays, 11.

Yeas:

Messrs:

Davis	Hamner	Lowe	Reese
Doster	Hayes	Lusk	Reid
Gardner	Heacock	Merritt	Reynolds
Glenn	Hinson	Miller	Wilson
Gunn	Leith	Overton	Wimberly

—20.

Nays:

Messrs:

Barbour	Forrester	Spragins	Thomas
Bayles	Jones	Strother	White
Blackmon	King	Teasley	

—11.

The amendment offered by the committee as amended by the amendment offered by Mr. Barbour and adopted, was then adopted.

Yeas, 29; nays, 2.

Yeas:

Messrs:

Barbour	Hamner	Merritt	Spragins
Blackmon	Hayes	Miller	Strother
Davis	Hinson	Moody	Teasley
Doster	Jones	Overton	Thomas
Forrester	Leith	Reese	White
Gardner	Lowe	Reid	Wilson
Glenn	Lusk	Reynolds	Wimberly.
Gunn			

—29.

Nays: Bayles, Horton—2.

And said bill as thus amended was read a third time at length and passed.

Yeas, 35; nays, 0.

Yeas :

Messrs :

Barbour	Hamburger	Lowe	Reynolds
Bayles	Hamner	Lusk	Spragins
Blackmon	Hayes	Merritt	Strother
Davis	Heacock	Miller	Teasley
Doster	Hinson	Moody	Thomas
Forrester	Horton	McWhorter	White
Gardner	Jones	Overton	Wilson
Glenn	King	Reese	Wimberly
Gunn	Leith	Reid	

—35.

RECESS.

At 1:30 o'clock p. m. on motion of Mr. Spragins  
Senate recessed until 3:30 o'clock this afternoon

AFTERNOON SESSION.

The Senate reassembled at 3:30 o'

ROLL CALL

On a call of the roll a  
to their names.

The pr  
Jas. W

Was made a special order for Wednesday, February 20, 1907, at 11:45 o'clock a. m.

And

On motion of Mr. Reynolds,

S. 227. To prevent the erection or maintaining of storage warehouses or freight depots, or building intended, constructed or used for either of said purposes upon or across any public street of any city in Alabama.

Was made a special order for Thursday, February 21, 1907, at 12 o'clock m.

And on motion of Mr. Forrester,

S. 156. To amend section 1009 of the Code of Alabama, 1896.

Was made a special order for Thursday, February 21, 1907, at 11 o'clock a. m.

On motion of Mr. Leith,

S. 213. To amend section 2942 of the Code of Alabama of 1896.

Was made a special order for Thursday, February 21, 1907, at 12:30 p. m.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has adopted the following joint resolution herewith sent:

By Mr. John:

H. J. R. No. 127. Resolved by the Legislature of Alabama, That during the remainder of this session, the messengers between the two Houses shall not read the messages to the House to which addressed, but deliver the same after announcement, and the House receiving the message shall direct when the message shall be read.

Cyrus B. Brown,  
Clerk.

of the Senate answered  
of the floor were excluded  
and Mr. Barnes for today  
SPECIAL ORDER  
On motion of Mr. Overton,  
S. 216. To provide for the assessment  
of privilege taxes against express  
Was made a special order for  
th, 1907, at 11:30 o'clock a. m.  
and  
217. To provide for the assessment  
of privilege taxes against sleeping

## HOUSE MESSAGE.

On motion of Mr. Gunn, the Senate concurred in House joint resolution No. 127, set out in the foregoing message from the House.

## MESSAGE FROM THE HOUSE.

Mr. President :

The House has originated and passed the following bills and has ordered the same sent forthwith to the Senate without engrossment :

H. 34. To provide means for the extension of the corporate limits of cities having twenty-five thousand inhabitants or over, and exempting from city taxation property brought within the corporate limits for certain periods of time, and fixing the rights, powers, duties, liabilities, and jurisdiction of the city over the territory brought into the corporate limits, and the rights of the inhabitants thereof, including rights relating to public schools, and to provide for the apportionment between a city and county of the road and bridge tax collected by the county on property within the city, and the expenditure of the fund by the city.

And sends same herewith to the Senate.

H. 35. To provide for the annexation and merger of any city or town into a contiguous city or town.

And sends same herewith to the Senate.

Cyrus B. Brown,  
Clerk.

## HOUSE MESSAGE.

The House bills in the foregoing House message were severally read once and referred to appropriate standing committees as follows :

H. 34, to Judiciary.

H. 35, to Municipalities and Municipal Organizations.

## MESSAGE FROM THE HOUSE.

Mr. President:

The House has passed the following Senate bill:

S. 294. To fix the compensation of the several State executive officers, officers of departments and boards subordinate officers, clerks, watchmen, and capitol servants and to make appropriations therefor.

And sends same herewith to the Senate.

And the House has concurred in the Senate amendments to the bill, H. 24, To make appropriations for the support and maintenance of the public schools of the State.

Cyrus B. Brown,  
Clerk.

## BILLS ON THIRD READING.

The bill:

S. 251. To prohibit the sale, delivery or other disposition of miner's oil or any materials or substitutes for miner's oil, to be used in the mines of Jefferson county, Alabama, without the official brand, stamp, label or stencil of the inspector of miner's oil for Jefferson county, Alabama, being affixed or attached to the barrel, package, cask, or vessel in which the article sold, delivered or disposed of is contained at the time of the disposition or delivery, and to provide for and regulate the payment of fees to such inspector for affixing such official brand, stamp, label, or stencil and to regulate the charges and fees to be paid therefor.

Was read a third time at length and passed.

Yeas, 26; nays, 0.

Yeas:

Messrs:

Barbour	Gunn	Leith	Reynolds
Bayles	Hamner	Lowe	Spragins
Davis	Heacock	Lusk	Strother
Doster	Hinson	Miller	White
Forrester	Horton	McWhorter	Wilson
Gardner	Jones	Overton	Wimberly
Glenn	King		



The bill:

H. 18. To fix the time and place of holding the circuit court in the twelfth judicial circuit of the State of Alabama.

Was read a third time at length and passed.

Yeas, 26; nays, 0.

Yeas:

Messrs:

Barbour	Gunn	Leith	Overton
Bayles	Hamner	Lowe	Reynolds
Davis	Heacock	Lusk	Spragins
Doster	Hinson	Miller	Strother
Forrester	Horton	Moody	Wilson
Gardner	Jones	McWhorter	Wimberly
Glenn	King		

—26.

The bill:

H. 356. To better provide for maintaining and keeping in repair public roads of Monroe county.

Was read a third time at length and passed.

Yeas, 28; nays, 0.

Yeas:

Messrs:

Barbour	Gunn	Leith	Reese
Bayles	Hamner	Lowe	Reynolds
Davis	Hayes	Lusk	Spragins
Doster	Heacock	Miller	Strother
Forrester	Hinson	Moody	White
Gardner	Jones	McWhorter	Wilson
Glenn	King	Overton	Wimberly

—28.

The bill:

S. 250. For the relief of W. A. Singleton and B. G. Singleton of Marengo county, Alabama, for the overpayment of money for the purchase of school lands in section 16, township 12, range 1, west.

Was read a third time at length and passed.

Yeas, 22; nays, 0.

Yeas :

Messrs :

Barbour	Gunn	Lusk	Strother
Davis	Hamner	Miller	Thomas
Doster	Hinson	Overton	White
Forrester	Jones	Reynolds	Wilson
Gardner	King	Spragins	Wimberly.
Glenn	Lowe		

—22.

The bill :

H. 382. To repeal an act entitled "an act to incorporate the Jackson Club," approved February 23, 1899.

Was read a third time at length and passed.

Yeas, 25; nays, 0.

—25.

Messrs :

Barbour	Hamner	Lusk	Spragins
Bayles	Horton	Merritt	Strother
Davis	Jones	Miller	Thomas
Forrester	King	Moody	White
Gardner	Leith	Overton	Wilson
Glenn	Lowe	Reynolds	Wimberly
Gunn			

—25

The bill :

H. 383. To repeal an act entitled "an act to incorporate the Olivet Club," approved February 18, 1895.

Was read a third time at length and passed.

Yeas, 25; nays, 0.

Yeas :

Messrs :

Barbour	Gunn	Leith	Reynolds
Bayles	Hamner	Lowe	Spragins
Davis	Hinson	Lusk	Strother
Doster	Horton	Merritt	White
Forrester	Jones	Moody	Wilson
Gardner	King	Overton	Wimberly
Glenn			

—25.

The bill:

H. 387. To repeal an act entitled an act to confirm the incorporation of the Shakespeare Club of Birmingham, Ala., and change the name of said club to the Alabama Club, and to enlarge the powers and capacities of said club, approved February 18, 1891.

Was read a third time at length and passed.

Yeas, 26; nays, 0.

Yeas:

Messrs:

Barbour	Hamner	Lusk	Reynolds
Davis	Hinson	Merritt	Spragins
Doster	Horton	Miller	Strother
Forrester	Jones	Moody	White
Gardner	King	McWhorter	Wilson
Glenn	Leith	Overton	Wimberly
Gunn	Lowe		

—26.

The bill:

H. 385. To repeal the charter of the Shakespeare Club of Birmingham, Ala.

Was read a third time at length and passed.

Yeas, 25; nays, 0.

Yeas:

Messrs:

Barbour	Hamner	Lusk	Reynolds
Davis	Hinson	Merritt	Spragins
Doster	Horton	Miller	Strother
Forrester	Jones	Moody	White
Gardner	Leith	McWhorter	Wilson
Glenn	Lowe	Overton	Wimberly
Gunn			

—25.

The bill:

S. 315. To authorize the town of Dothan to establish, maintain, regulate and make efficient, a dispensary in the town of Dothan and to provide for the operation and carrying on of such dispensary by the said town of Dothan and for a distribution of the net proceeds of the said dispensary.

Was read a third time at length and passed.

Yeas, 27; nays, 0.

Yeas:

Messrs:

Barbour	Hamner	Lowe	Reese
Bayles	Hayes	Lusk	Reynolds
Davis	Heacock	Merritt	Spragins
Forrester	Hinson	Miller	Strother
Gardner	Horton	Moody	White
Glenn	Jones	McWhorter	Wilson
Gunn	Leith	Overton	

—27.

And the same was on motion of Mr. Forrester ordered sent forthwith to the House without engrossment:

The bill:

H. 287. To repeal an act entitled an act to establish and maintain a dispensary for Searight, in the county of Crenshaw, in the State of Alabama, for the purpose of selling spirituous, vinous and malt liquors and wine, and to punish all violations of the provisions of this act.

Was read a third time at length and passed.

Yeas, 26; nays, 0.

Yeas:

Messrs:

Barbour	Hamner	Lowe	Reese
Bayles	Hayes	Lusk	Reynolds
Davis	Hinson	Miller	Strother
Doster	Horton	Moody	White
Forrester	Jones	McWhorter	Wilson
Gardner	King	Overton	Wimberly
Gunn	Leith		

—26.

The bill:

H. 410. To prevent the selling, giving away or otherwise disposing of spirituous, vinous and malt liquors, and other intoxicating liquors in Pike county, otherwise than by dispensaries in the cities of Troy and Brundidge. To provide for and make efficient such dispen-

saries, and to prescribe penalties for the violations of this act.

Was read a third time at length and passed.

Yeas, 27; nays, 0.

Yeas:

Messrs:

Barbour	Hamner	Lowe	Reese
Bayles	Hayes	Lusk	Reynolds
Davis	Heacock	Merritt	Strother
Forrester	Hinson	Miller	Thomas
Gardner	Horton	Moody	White
Glenn	King	McWhorter	Wilson
Gunn	Leith	Overton	

—27.

The bill:

H. 411. To prohibit the selling, giving away, or otherwise disposing of spirituous, vinous and malt liquors, and other intoxicating liquors in Pike county, otherwise than by dispensaries in the cities of Troy and Brundidge. To provide for and make efficient such dispensaries, and to prescribe penalties for the violations of this act.

Was read a third time at length and passed.

Yeas:

Messrs:

Barbour	Hamner	Lowe	Overton
Bayles	Hayes	Lusk	Reese
Davis	Hinson	Merritt	Reynolds
Forrester	Horton	Miller	Strother
Gardner	Jones	Moody	White
Glenn	King	McWhorter	Wilson
Gunn	Leith		

—26.

The bill:

H. 499. To authorize the county of Lee to borrow money not exceeding the current revenue of said county for any one year, in the discretion of the court of county commissioners of said county.

Was read a third time at length and passed.

Yeas, 27; nays, 0.

Yeas :

Messrs :

Barbour	Gunn	Leith	Overton
Bayles	Hamner	Lowe	Reynolds
Davis	Hayes	Lusk	Spragins
Doster	Heacock	Merritt	Strother
Forrester	Hinson	Miller	White
Gardner	Horton	Moody	Wilson
Glenn	Jones	McWhorter	—27.

The bill :

H. 500. To ratify and confirm the acts and contracts of a court of county commissioners of Lee county, or other authorized agents of said county in borrowing money for the use and benefit of said county, and to ratify and confirm the warrants given on said contracts for money so borrowed.

Was read a third time at length and passed.

Yeas, 24 ; nays, 1.

Yeas :

Messrs :

Barbour	Gunn	King	Reese
Bayles	Hamner	Leith	Reynolds
Doster	Hayes	Lowe	Strother
Forrester	Hinson	Merritt	White
Gardner	Horton	Miller	Wilson
Glenn	Jones	Moody	Wimberly
			—24.

Nays: Mr. Lusk.

The bill :

S. 297. For the relief of J. M. Cobb and W. J. Taylor.

Was read a third time at length and passed.

Yeas, 24 ; nays, 1.

Yeas :

Messrs :

Barbour	Heacock	Lowe	Overton
Forrester	Hinson	Lusk	Reese
Gardner	Horton	Merritt	Reynolds
Gunn	Jones	Miller	Strother
Hamuer	King	Moody	White
Hayes	Leith	McWhorter	Wilson

—24.

Nays: Mr. Bayles—1.

The bill:

H. 622. To provide a road law for the county of Marengo and to enforce the same.

Was read a third time at length and passed.

Yeas, 27; nays, 0.

Yeas:

Messrs:

Barbour	Hamner	Lowe	Reese
Bayles	Hayes	Lusk	Reynolds
Doster	Hinson	Merritt	Spragins
Forrester	Horton	Miller	Strother
Glenn	Jones	Moody	Thomas
Gunn	King	McWhorter	Wilson
Hamburger	Leith	Overton	

—27.

The bill:

H. 157. To regulate the compensation of persons serving or summoned as grand or petit jurors in Mobile county.

Was read a third time at length and passed.

Yeas, 29; nays, 0.

Yeas:

Messrs:

Barbour	Hamburger	King	McWhorter
Bayles	Hamner	Leith	Overton
Blackmon	Hayes	Lowe	Reese
Doster	Heacock	Lusk	Reynolds
Forrester	Hinson	Merritt	Spragins
Gardner	Horton	Miller	Strother
Glenn	Jones	Moody	Thomas
Gunn			

—29.

The bill:

H. 350. To repeal an act entitled an act to prohibit the sale, giving away or otherwise disposing of spirituous, vinous, or malt liquors, or intoxicating ciders, biters or beverages, or fruits preserved in alcoholic liquors within precinct number eight, including the incorpora-

tion of the town of Fitzpatrick and Thompson in Bullock county, Alabama, approved January 29, 1897.

Was read a third time at length and passed.

Yeas, 29; nays, 0.

Yeas:

Messrs:

Barbour	Gunn	Lowe	Reynolds
Bayles	Hamner	Lusk	Spragins
Blackmon	Hayes	Merritt	Strother
Davis	Heacock	Miller	Teasley
Doster	Jones	McWhorter	Thomas
Forrester	King	Overton	White
Gardner	Leith	Reese	Wilson
Glenn			

—29.

The bill:

H. 386. To repeal an act entitled "an act to incorporate the Leisure Hour Club of Birmingham, Ala.," approved February 23, 1899.

Was read a third time at length and passed.

Yeas, 27; nays, 0.

Yeas:

Messrs:

Barbour	Gunn	Lusk	Reynolds
Bayles	Hamner	Merritt	Spragins
Blackmon	Horton	Miller	Teasley
Davis	Jones	Moody	Thomas
Forrester	King	McWhorter	White
Gardner	Leith	Overton	Wilson
Glenn	Lowe	Reese	

—27.

S. 288. To constitute and establish that certain sub-way, now in course of construction and completion, under authority of an ordinance of the city of Birmingham, Alabama, and extending underneath Twenty-sixth street, north, and Twenty-seventh street, north, in the city of Birmingham, Alabama, and between the western boundary line of said Twenty-sixth street, north, and the eastern boundary line of Twenty-seventh street, north, as a part of Fifth avenue, in said city, in lieu of all that part of Fifth avenue, as heretofore constituted



and established, lying over and above and outside of said subway, and between the said Twenty-sixth and Twenty-seventh street, and which is abandoned and discontinued as a public street, or highway.

Was read a third time at length and passed.

Yeas, 27; nays, 0.

Yeas:

Messrs:

Barbour	Hamner	Leith	Reese
Bayles	Hayes	Lowe	Reynolds
Davis	Heacock	Lusk	Strother
Forrester	Hinson	Merritt	Teasley
Gardner	Horton	Miller	Thomas
Glenn	Jones	McWhorter	Wilson
Gunn	King	Overton	

—27.

The bill:

H. 433. To authorize the court of county commissioners of Marion county, to order the county treasurer of said county to pay the outstanding warrants of said county, given for the repairs on the jail of said county, out of the general fund of said county and to further authorize said court to use at any time any balance that may be in the general fund at the end of any year for any public improvement in said county, and to authorize the county treasurer to honor warrants drawn for said purposes.

Was read a third time at length and passed.

Yeas, 27; nays, 0.

Yeas:

Messrs:

Barbour	Hamner	Lusk	Spragins
Bayles	Hayes	Merritt	Strother
Blackmon	Horton	Miller	Teasley
Forrester	Jones	McWhorter	Thomas
Gardner	King	Overton	White
Glenn	Leith	Reese	Wilson
Gunn	Lowe	Reynolds	

—27.

The bill:

H. 150. To amend an act to amend section 909 of the Code of 1896, approved February 28, 1903, so far as the same relates to the times of holding the circuit court in Marion county, Alabama.

Was read a third time at length and passed.

Yeas, 26; nays, 0.

Yeas:

Messrs:

Barbour	Hamburger	Lowe	Reynolds
Bayles	Hamner	Lusk	Spragins
Davis	Hayes	Merritt	Strother
Forrester	Hinson	Miller	Teasley
Gardner	Jones	McWhorter	Thomas
Glenn	King	Reese	Wilson
Gunn	Leith		

—26.

The bill:

H. 76. To regulate the trial and proceedings in criminal cases for the violations of the special or local prohibition law for Bibb county, Alabama.

Was taken up.

The following amendment to said bill offered by the committee, to-wit:

Section 6. It shall be the duty of the county solicitor of said county to prepare for trial the offenses named in this act and to assist in the prosecution of same before the circuit court of said county for which he shall not receive any compensation except that in case the fees now provided by law for him shall not equal in any one year the maximum sum which he may now by law receive, then in that event he may receive from the solicitors fees taxed up as part of the costs in the class of cases named in this act a sufficient amount of said fees so taxed which added to the fees he has received in the prosecution of cases in the county court shall equal the maximum sum which he is at present allowed by law to receive, in any one year but the said solicitor's fees taxed up as part of the costs in the circuit court in these cases shall be paid over to the county treasurer of said county to be credited by him to the general fund of said county

and said fees shall be immediately paid over by any officer to whose hands they may come to the county treasurer of said county, and it shall be his duty to pay to said county solicitor at the end of each calendar year from the solicitors fees so paid over to him such an amount as will when added to the fees said county solicitor is entitled to receive from convictions in the county court of said county equal the maximum amount which he may now by law receive.

Was adopted.

Yeas, 24; nays, 0.

Yeas:

Messrs:

Barbour	Gunn	King	Reese
Bayles	Hamner	Leith	Reynolds
Davis	Heacock	Lowe	Strother
Forrester	Hinson	Lusk	Thomas
Gardner	Horton	Miller	White
Glenn	Jones	McWhorter	Wilson

—24.

And said bill as thus amended, was read a third time at length and passed.

Yeas, 18; nays, 0.

Yeas:

Messrs:

Barbour	Gunn	Merritt	Reynolds
Bayles	Hamner	Miller	Strother
Davis	Horton	McWhorter	Thomas
Forrester	Leith	Reese	Wilson
Glenn	Lusk		

—18.

The bill:

S. 244. To provide for the relief of S. D. Logan.

Was read a third time at length and passed.

Yeas, 21; nays, 2.

Yeas :

Messrs :

Barbour	Hamner	Merritt	Teasley
Davis	Hinson	Miller	Thomas
Forrester	Horton	McWhorter	White
Glenn	Leith	Reese	Wilson
Gunn	Lusk	Reynolds	Wimberly
Hamburger			

—21.

Nays: Messrs. Bayles, Hays—2.

The bill:

H. 402. To provide for two janitors for the court house of Montgomery county.

Was read a third time at length and passed.

Yeas, 23; nays, 0.

Yeas:

Messrs:

Barbour	Hamner	Lowe	Spragins
Davis	Hayes	Lusk	Strother
Forrester	Heacock	Merritt	Thomas
Glenn	Hinson	Miller	Wilson
Gunn	Horton	Reese	Wimberly.
Hamburger	Leith	Reynolds	

—23.

The bill:

H. 339. To provide for the better working and maintaining of the public roads in Sumter county.

Was read a third time at length and passed.

Yeas, 28; nays, 0.

Yeas:

Messrs:

Barbour	Hamner	Lusk	Spragins
Davis	Hayes	Merritt	Strother
Doster	Hinson	Miller	Teasley
Forrester	Horton	Moody	Thomas
Gardner	Jones	McWhorter	White
Glenn	King	Reese	Wilson
Gunn	Leith	Reynolds	Wimberly

—28.

The bill :

H. 464. To amend an act to incorporate a separate school district in Elmore county, to be known as the Tallassee school district, approved February 23, 1899.

Was read a third time at length and passed.

Yeas, 27; nays, 0.

Yeas:

Messrs :

Barbour	Heacock	Miller	Strother
Davis	Horton	Moody	Teasley
Forrester	King	McWhorter	Thomas
Glenn	Leith	Overton	White
Gunn	Lowe	Reese	Wilson
Hamner	Lusk	Reynolds	Wimberly
Hayes	Merritt	Spragins	

—27.

The bill :

H. 99. To repeal an act, to empower and require the county commissioners of Cullman county to make appropriations out of the general funds, to the fine and forfeiture fund of said county, approved September 29, 1903.

Was read a third time at length and passed.

Yeas, 28; nays, 0.

Yeas:

Messrs :

Barbour	Hamburger	Lusk	Spragins
Bayles	Hamner	Merritt	Strother
Blackmon	Heacock	Miller	Teasley
Davis	Horton	McWhorter	Thomas
Forrester	Jones	Overton	White
Glenn	King	Reese	Wilson
Gunn	Leith	Reynolds	Wimberly

—28.

The bill :

S. 266. To make the offices of judge of the city court of Anniston and the clerk of the city court of Anniston, in Calhoun county, Alabama, elective by the qualified electors of Calhoun county, Alabama, and to prescribe their terms of office.

Was taken up.

The following amendment offered by Mr. Blackmon, to-wit:

Amend the bill so that the same will read as follows, to-wit:

To make the office of judge of the city court of Anniston in Calhoun county, Alabama, elective by the qualified electors of Calhoun county, Alabama.

Section 1. Be it enacted by the Legislature of Alabama, That at the general election to be held on the first Tuesday after the first Monday in November, 1908, and every six years thereafter, there shall be elected by the qualified electors of Calhoun county, Alabama, a judge of the city court of Anniston, Alabama, who shall hold office for a term of six years from the 1st day of January, 1909, and until his successor shall be elected and qualified.

Section 2. Be it further enacted, That all laws and parts of laws, general, special or local in conflict with the provisions of this act be and the same are hereby specially repealed

Was adopted.

Yeas, 28; nays, 0.

Yeas:

Messrs:

Barbour	Gunn	Lowe	Reese
Bayles	Hamner	Lusk	Reid
Blackmon	Hayes	Merritt	Reynolds
Davis	Hinson	Miller	Thomas
Doster	Horton	Moody	White
Forrester	King	McWhorter	Wilson
Glenn	Leith	Overton	Wimberly

—28.

And said bill as thus amended was read a third time at length and passed.

Yeas, 24; nays, 0.

Yeas :

Messrs :

Barbour	Gardner	Lusk	Strother
Bayles	Gunn	Merritt	Teasley
Blackmon	Hamner	Miller	Thomas
Davis	King ,	Moody	White
Doster	Leith	McWhorter	Wilson
Forrester	Lowe	Overton	Wimberly

—24.

The bill :

S. 190. To make the judge of the city court of Montgomery and the associate judge of the city court of Montgomery, elective by the people.

Was taken up.

The following amendment offered by Mr. Teasley to said bill, to-wit :

To make the judge of the city court of Montgomery and the associate judge of the city court of Montgomery elective by the people.

Section 1. Be it enacted by the Legislature of Alabama, That the judge of the city court of Montgomery, and the associate judge of the city court of Montgomery, shall be elected by the qualified voters of Montgomery county, at the general election for State officers in the year 1910 and every six years thereafter, and shall hold their respective offices for a term of six years, from the 15th day of November, 1910, and until their successors are elected and qualified.

Section 2. Be it further enacted, That the present judge and associate judge of said court shall hold their respective offices until November 15th, 1910, and until their successors are elected and qualified.

Section 3. That all laws or parts of laws, general, special or local, in conflict with the provisions of this act, be and the same are hereby repealed.

Was adopted.

Yeas, 23; nays, 4.

Yeas:

Messrs:

Barbour	Hamner	Merritt	Teasley
Bayles	Hayes	Miller	Thomas
Blackmon	Heacock	Overton	White
Forrester	Hinson	Reese	Wilson
Glenn	King	Reynolds	Wimberly.
Gunn	Leith	Strother	

—23.

Nays:

Messrs:

Davis	Horton	Lusk	McWhorter
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—4.

And said bill as thus amended was read a third time at length and passed.

Yeas, 22; nays, 3.

Yeas:

Messrs:

Barbour	Hamner	Merritt	Teasley
Bayles	Hayes	Miller	Thomas
<del>Blackmon</del>	<del>Heacock</del>	Overton	White
Forrester	Hinson	Reese	Wilson
Glenn	King	Reynolds	Wimberly
Gunn	Leith		

—22.

Nays: Messrs. Davis, Lusk, McWhorter—3.

The bill:

H. 521. To abolish the county court of Cleburne county, Alabama, to take effect on the first day of May, 1907; to provide for the transfer and disposition of the suits and causes pending therein, and of all proceedings for remedial writs pending before the judge of said court or before said court, at said date, and of the dockets, records and papers of said court; to provide for the enforcement of the orders, judgment and decrees of said abolished court, and for the collection of the unpaid fees and costs earned therein, and to regulate, from and after said date, the process issued from and returnable to said



court, and bonds, and recognizances pertaining to proceedings therein.

Was read a third time at length and passed.

Yeas, 26; nays, 0.

Yeas:

Messrs:

Barbour	Hamner	Lusk	Spragins
Bayles	Heacock	Merritt	Strother
Davis	Horton	Miller	Thomas
Forrester	Jones	Moody	White
Glenn	King	Overton	Wilson
Gunn	Leith	Reese	Wimberly
Hamburger	Lowe		—26.

The bill:

S. 258. To repeal an act entitled an act to constitute the town of Blountsville, and vicinity, in Blount county, a separate school district, approved February 5th, 1885.

Was read a third time at length and passed.

Yeas, 23; nays, 0.

Yeas:

Messrs:

Barbour	Hayes	Lusk	Teasley
Davis	Heacock	Merritt	Thomas
Doster	Horton	Miller	White
Forrester	Jones	McWhorter	Wilson
Glenn	King	Overton	Wimberly
Hamner	Lowe	Spragins	—23.

The bill:

H. 96. To provide for the payment of certain fine and forfeiture funds in the hands of the clerk of the circuit court of Cullman county, Alabama.

Was read a third time at length and passed.

Yeas, 22; nays, 0.

Yeas:

Messrs:

Barbour	Gunn	Leith	Reese
Bayles	Hamner	Lowe	Spragins
Davis	Hayes	Lusk	Thomas
Forrester	Hinson	Merritt	Wilson
Gardner	Horton	Overton	Wimberly.
Glenn	Jones		

—22.

The bill:

H. 523. To amend section 2 of an act to establish a State normal school for the education of white female teachers and students at Livingston, in Sumter county.

Was read a third time at length and passed.

Yeas, 26; nays, 0.

Yeas:

Messrs:

Barbour	Gunn	Lowe	Spragins
Bayles	Hamner	Lusk	Strother
Davis	Hayes	Merritt	Thomas
Doster	Heacock	Miller	White
Forrester	Jones	Overton	Wilson
Gardner	King	Reese	Wimberly
Glenn	Leith		

—26.

The bill:

H. 158. To provide for and regulate the mode of selecting, drawing and empaneling grand and petit jurors, for the county of Mobile.

Was read a third time at length and passed.

Yeas, 26, nays, 0.

Yeas:

Messrs:

Barbour	Glenn	Horton	Moody
Bayles	Gunn	Jones	McWhorter
Blackmon	Hamburger	King	Overton
Davis	Hamner	Leith	Reynolds
Doster	Hayes	Lowe	Strother
Forrester	Heacock	Lusk	Wilson
Gardner	Hinson		

—26.

The bill:

H. 364. To amend sections thirteen (13) and nineteen (19) of an act entitled an act "to declare the powers and jurisdiction of the city court of Gadsden, approved February 27th, 1901.

Was read a third time at length and passed.

Yeas, 31; nays, 0.

Yeas :

Messrs :

Barbour	Gunn	Leith	Reynolds
Bayles	Hamner	Lowe	Spragins
Blackmon	Hayes	Lusk	Strother
Davis	Heacock	Merritt	Teasley
Doster	Hinson	Miller	Thomas
Forrester	Horton	Moody	White
Gardner	Jones	McWhorter	Wilson
Glenn	King	Overton	

—31.

The bill :

H. 49. To provide for holding the circuit court in St. Clair county, Alabama; to divide said county into two judicial divisions, to regulate the said court and the jurisdiction of and the proceedings in and relating to the same.

Was read a third time at length and passed.

Yeas, 25; nays, 0.

Yeas :

Messrs :

Barbour	Hayes	Lowe	Overton
Bayles	Hinson	Lusk	Reynolds
Doster	Horton	Merritt	Strother
Forrester	Jones	Miller	Thomas
Glenn	King	Moody	White
Gunn	Leith	McWhorter	Wilson
Hamner			

25.

The bill :

H. 452. To authorize the establishment of a dispensary in the town of Oxford, Calhoun county, Alabama, for the purpose of buying and selling spirituous, vinous and malt liquors, and to prescribe the condition on which such dispensary shall be established, and to provide for the distribution of the profit arising from the same, and to further regulate and prohibit the sale, giving away, or otherwise disposing of all intoxicating liquors except in said dispensary, and to provide that this

act shall go into effect at an election to be held in the said town on the——day of——1907.

Was read a third time at length and passed.

Yeas, 30; nays, 0.

Yeas:

Messrs:

Barbour	Gunn	Leith	Reese
Bayles	Hamner	Lowe	Reynolds
Blackmon	Hayes	Lusk	Spragins
Davis	Heacock	Merritt	Strother
Doster	Hinson	Miller	Thomas
Forrester	Horton	Moody	White
Gardner	Jones	McWhorter	Wilson
Glenn	King		

—30.

The bill:

S. 249. To provide for the purchase of two surveyors transits for the two commissioned county surveyors for Calhoun county at the expense of Calhoun county.

Was read a third time at length and passed.

Yeas, 23; nays, 0.

Yeas.

Messrs:

Barbour	Hamburger	Jones	McWhorter
Bayles	Hamner	Leith	Reese
Blackmon	Hayes	Lowe	Reynolds
Forrester	Heacock	Lusk	Strother
Glenn	Hinson	Merritt	Wimberly
Gunn	Horton	Miller	

—23.

And the same was ordered sent forthwith to the House without engrossment.

The bill:

H. 264. To authorize and require the probate judge of St. Clair county to hold regular terms of the probate court at Pell City, and such adjourned, called, and special terms as may be necessary, and to declare the powers and jurisdiction of said court holden at said place; to authorize the probate judge of said county to perform other official acts at Pell City, and to keep books and records of his office at said place, and to authorize

the employment of a sworn and bonded clerk, who shall keep charge of the office in the absence of the probate judge, and who may discharge all duties imposed by law on the clerks of probate judges in this State.

Was read a third time at length and passed.

Yeas, 22; nays, 0.

Yeas:

Messrs:

Barbour	Gunn	Jones	Miller
Bayles	Hamburger	King	Reese
Blackmon	Hamner	Leith	Reynolds
Doster	Hayes	Lowe	Strother
Forrester	Hinson	Lusk	Wimberly
Gardner	Horton		

—22.

The bill:

H. 262. To provide for the holding of regular terms of the county court of St. Clair county at Ashville, the county seat, and at Pell City in said county, and to define the jurisdiction of said court holden at each of said places and to regulate the said court and proceedings in and relating to the same.

Was read a third time at length and passed.

Yeas, 28; nays, 0.

Nays:

Messrs:

Barbour	Hayes	Lowe	Reese
Bayles	Heacock	Lusk	Reynolds
Blackmon	Hinson	Merritt	Spragins
Doster	Horton	Miller	Strother
Forrester	Jones	Moody	Teasley
Hamburger	King	McWhorter	Wilson
Hamner	Leith	Overton	Wimberly

—28.

The bill:

H. 340. To amend sections four (4), twelve (12), thirteen (13), fourteen (14), twenty-one (21), and thirty-one (31) of an act to provide for the construction, repairing, working and maintaining the public roads and bridges in Talladega county, approved December 4, 1900.

Was read a third time at length and passed.

Yeas, 30; nays, 0.

Yeas:

Messrs:

Barbour	Hamburger	Lusk	Reynolds
Bayles	Hamner	Merritt	Spragins
Blackmon	Hayes	Miller	Strother
Davis	Heacock	Moody	Teasley
Forrester	Hinson	McWhorter	White
Gardner	Horton	Overton	Wilson
Glenn	Jones	Reese	Wimberly
Gunn	Lowe		

—30.

The bill:

H. 508. To create the office of assistant solicitor for the county of Montgomery, Alabama, in lieu of the present office of deputy solicitor for said county, prescribing his duties, fixing his salary and providing for the method of selection for said office.

Was read a third time at length and passed.

Yeas, 29; nays, 0.

Yeas:

Messrs:

Barbour	Hamburger	Lowe	Reese
Bayles	Hamner	Lusk	Reynolds
Blackmon	Hinson	Merritt	Spragins
Davis	Horton	Miller	Teasley
Forrester	Jones	Moody	Thomas
Gardner	King	McWhorter	White
Glenn	Leith	Overton	Wilson
Gunn			

—29.

The bill:

S. 289. Declining on the part of the State of Alabama to accept for the purpose of establishing an Industrial school for indigent white girls and young ladies of the State, that certain property in Marion, Perry county, Alabama, formerly known as Howard College, and now used and known as the Marion Military Institute.

Was read a third time at length and passed.

Yeas, 25; nays, 0.

Yeas :

Messrs :

Barbour	Heacock	Lusk	Reynolds
Davis	Hinson	Merritt	Spragins
Forrester	Horton	Miller	Strother
Glenn	Jones	Moody	Teasley
Gunn	Leith	Overton	Thomas
Hamner	Lowe	Keese	Wilson
Hayes			

—25.

The bill :

H. 338. To provide for the maintenance, improvement, and protection of the public roads and bridges of St. Clair county, Alabama, and to provide for a special road tax therefor; also for the purchase of implements, teams and other things necessary in the construction, and improvement of the same; to pay for the same either out of the general fund for the county of the special road fund. Providing for the appointment by the commissioners' court of said county of a road superintendent or superintendents and surveyor, fixing their pay, defining their duties and conferring special powers on the commissioners' court of said county. Providing further the method of employing hands and how certain parties may be required to take out a license for the use of said public roads, providing the method of appointing apportioners and overseers and defining their duties and how they may be excused from serving as such. Defining the road year and those liable to road duty, the time they may be required to work, prescribing the manner in which they may pay in lieu of work to the tax collector of said county, and his duty as to same, and the method of warning hands and defining those who are exempt from road duty.

Was read a third time at length and passed.

Yeas, 27; nays, 0.

Yeas :

Messrs :

Barbour	Forrester	Hamner	Jones
Bayles	Glenn	Hinson	King
Davis	Gunn	Horton	Leith

Lowe	Moody	Reynolds	White
Lusk	McWhorter	Spragins	Wilson
Merritt	Overton	Teasley	Wimberly
Miller	Reese	Thomas	

—27.

The bill:

H. 263. To provide for holding regular, special and adjourned terms of the commissioners' court of St. Clair county at Pell City, to declare the powers and jurisdiction of said court holden at said place, to regulate its proceedings and to provide for its records, fixtures, and supplies and the keeping thereof.

Was read a third time at length and passed.

Yeas, 25; nays, 0.

Yeas:

Messrs:

Barbour	Hamner	Lowe	Reese
Bayles	Hinson	Lusk	Reynolds
Blackmon	Horton	Miller	Spragins
Davis	Jones	Moody	White
Forrester	King	McWhorter	Wilson
Glenn	Leith	Overton	Wimberly
Gunn			

—25.

The bill:

H. 584. To further provide for jurors for the trial of causes other than capital causes in the criminal court of Jefferson county, or other courts exercising criminal jurisdiction in said county.

Was read a third time at length and passed.

Yeas, 23; nays, 0.

Yeas:

Messrs:

Barbour	Horton	Merritt	Spragins
Bayles	Jones	Miller	Teasley
Davis	King	Moody	Thomas
Glenn	Leith	McWhorter	Wilson
Gunn	Lowe	Overton	Wimberly.
Hamner	Lusk	Reynolds	

—23.



The bill :

H. 397. To establish a dispensary in and for the town of Thomaston, in the county of Marengo, State of Alabama, and to provide for the conduct and regulation of the same.

Was read a third time at length and passed.

Yeas, 27; nays, 0.

Yeas:

Barbour	Gunn	Lusk	Reynolds
Bayles	Hamner	Merritt	Spragins
Davis	Horton	Miller	Teasley
Doster	Jones	Moody	Thomas
Forrester	King	McWhorter	White
Gardner	Leith	Overton	Wilson
Glenn	Lowe	Reese	

—27.

The bill :

H. 418. To fix, provide for and regulate the pay of State witnesses before the grand juries and circuit and county courts of Tuscaloosa county.

Was taken up.

The following amendment offered by the committee, to-wit:

Amend section 2 by striking out the word "by" where it occurs in the ninth line after the word "it shall" and insert in lieu thereof the word "be"; also amend section 5 by inserting the word "pay" in the third line of said section between the words "entitled to" and the words "in one case."

Was adopted.

Yeas, 20; nays, 0.

Yeas:

Messrs:

Barbour	Horton	Merritt	Spragins
Bayles	King	Moody	Thomas
Forrester	Leith	McWhorter	White
Gunn	Lowe	Overton	Wilson
Hamner	Lusk	Reynolds	Wimberly

—20.

And said bill as thus amended was read a third time at length and passed.

Yeas, 25; nays, 0.

Yeas:

Messrs:

Barbour	Horton	Merritt	Reynolds
Davis	Jones	Miller	Spragins
Forrester	King	Moody	Teasley
Glenn	Leith	McWhorter	Thomas
Gunn	Lowe	Overton	White
Hamner	Lusk	Reese	Wilson
Heacock			

—25.

The bill:

H. 321. To prohibit the sale, barter, exchange or other disposition of spirituous, vinous or malt liquors or intoxicating beverages, tonics or decoctions within the limits of Faunsdale precinct, in Marengo county, Alabama, except at the dispensary in the town of Faunsdale.

Was read a third time at length and passed.

Yeas, 26; nays, 0.

Yeas:

Messrs:

Barbour	Hayes	Lusk	Reese
Bayles	Heacock	Merritt	Spragins
Doster	Horton	Miller	Teasley
Forrester	Jones	Moody	Thomas
Glenn	King	McWhorter	White
Gunn	Leith	Overton	Wilson
Hamner	Lowe		

—26.

The bill:

H. 420. To provide for the creation of the office of county auditor of Walker county, Alabama, to define the powers and duties thereof, to provide for his compensation, to fix his term of office and prescribe the manner of his appointment and election.

Was read a third time at length and passed.

Yeas, 26; nays, 0.

Nays:

Messrs:

Barbour	Gunn	Lowe	Reese
Bayles	Hamner	Lusk	Reynolds
Davis	Hayes	Merritt	Spragins
Doster	Horton	Miller	Teasley
Forrester	Jones	Moody	Thomas
Gardner	King	Overton	Wilson
Glenn	Leith		

—26.

The bill:

H. 512. To establish the Morgan county law and equity court; to create and define its jurisdiction; to provide its officers, their powers, duties and compensation; to fix the term of said court; and to prescribe rules of practice and procedure for said court.

Was read a third time at length and passed.

Yeas, 27; nays, 0.

Yeas:

Messrs:

Barbour	Gunn	King	Reese
Bayles	Hamburger	Leith	Reynolds
Blackmon	Hamner	Lowe	Strother
Davis	Heacock	Lusk	Thomas
Forrester	Hinson	Merritt	White
Gardner	Horton	Miller	Wilson
Glenn	Jones	Overton	

—27.

The bill:

H. 498. To prohibit the sale, barter, exchange, giving away, lending, delivering or otherwise disposing of spirituous, or malt liquors, intoxicating beverages, biters or proprietary medicines in Lamar county, Alabama, and to prohibit the shipping into said county by any common carrier, and the bringing into said county by any person for the use of any other person than himself, any such spirituous, vinous or malt liquors, intoxicating beverages, or intoxicating bitters, or intoxicating proprietary medicines from any place within this State, and to prohibit the procuring for another or the taking or soliciting, or receiving of orders for spiritu-

ous, vinous or malt liquors, intoxicating beverages, intoxicating bitters, or intoxicating proprietary medicines in said county, and to prohibit the giving of orders for spirituous, vinous, or malt liquors, intoxicating beverages, or intoxicating proprietary medicines in said county, and to prohibit the giving of orders for spirituous, vinous or malt liquors, intoxicating beverages, or intoxicating bitters, or intoxicating proprietary medicines by any person in said county over any telegraph or telephone line, and to prohibit the receiving or sending by any telegraph or telephone company in said county of any order for spirituous, vinous or malt liquors, intoxicating beverages, intoxicating bitters, or intoxicating proprietary medicines, to any point within this State, and to provide penalties for all such prohibited acts, and to repeal all laws in conflict herewith.

Was read a third time at length and passed.

Yeas, 25; nays, 0.

Yeas:

Messrs:

Barbour	Lowe	Lusk	Reynolds
Blackmon	Hamner	Merritt	Spragins
Davis	Hayes	Miller	Teasley
Forrester	Hinson	McWhorter	Thomas
Glenn	King	Overton	White
Gunn	Leith	Reese	Wilson

—25.

The bill:

H. 419. To abolish the fine and forfeiture fund of Tuscaloosa county and to provide for the payment of all outstanding valid claims against the said fund.

Was read a third time at length and passed.

Yeas, 27; nays, 0.

Yeas:

Messrs:

Barbour	Glenn	Lowe	Spragins
Bayles	Gunn	Lusk	Strother
Blackmon	Hamner	Merritt	Teasley
Davis	Hayes	Miller	Thomas
Doster	Jones	McWhorter	White
Forrester	King	Overton	Wilson
Gardner	Leith	Reese	

—27.

The bill:

H. 165. For the relief of J. D. Crow, an indigent and aged confederate soldier.

Was read a third time at length and passed.

Yeas, 28; nays, 0.

Yeas:

Messrs:

Barbour	Gunn	Lowe	Reynolds
Bayles	Hamner	Lusk	Spragins
Blackmon	Hayes	Merritt	Strother
Davis	Horton	Miller	Teasley
Doster	Jones	Moody	Thomas
Forrester	King	Overton	White
Gardner	Leith	Reese	Wilson

—28.

The bill:

H. 74. To regulate the costs in criminal cases in the circuit court of Bibb county, Alabama, in the county court of said county, and in or before the grand jury of said county; and to provide for the payment of same.

Was read a third time at length and passed.

Yeas, 17; nays, 2.

Yeas:

Messrs:

Barbour	Glenn	Horton	Lowe
Bayles	Gunn	Jones	Reese
Davis	Hayes	King	Reynolds
Forrester	Hinson	Leith	Wilson
Gardner			

—17.

Nays: Messrs. Lusk, McWhorter—2.

#### INDEFINITE POSTPONEMENT.

On motion of Mr. Wimberly,

S. 229. To amend section 2 of an act to establish a State normal school for the education of white female teachers and students at Livingston, in Sumter county.

Was indefinitely postponed.

## ADJOURNMENT.

At 6:20 o'clock p. m. on motion of Mr. Overton, the Senate adjourned until Wednesday, the 20th day of February, 1907, at 10 o'clock a. m.

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 TWENTY EIGHTH DAY.

Wednesday, February 20th, 1907.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Moses, of the city of Mobile.

## ROLL CALL.

Present:

Mr. President, and

Messrs:

Barbour	Hamner	Lowe	Reid
Blackmon	Hayes	Lusk	Reynolds
Davis	Heacock	Merritt	Spragins
Doster	Hinson	Miller	Strother
Forrester	Horton	Moody	Thomas
Gardner	Jones	McWhorter	White
Glenn	King	Overton	Wilson
Gunn	Leith	Reese	Wimberly
Hamburger			

—33.

## JOURNAL.

On motion of Mr. Gardner, the reading of the Journal of yesterday was dispensed with and the same was approved.

## LEAVE OF ABSENCE.

Leave of absence was granted to Mr. Teasley for to-day.

## PRIVILEGES OF THE FLOOR.

The privileges of the floor was extended to Hon. Jno. W. Tomlinson of Jefferson, and Rev. D. Moses of Mobile, for to-day.

## INTRODUCTION OF BILLS.

On a call of the districts, bills were introduced, read one time and referred to appropriate standing committees as follows:

Mr. Miller:

S. 334. To vacate and annul that part of Twenty-seventh street, in the city of Birmingham, Alabama, lying between First avenue, north and Tenth avenue north in said city, as a public street or highway, and to annul and extinguish the dedication thereof.

## Local Legislation.

With notice and proof as follows:

The State of Alabama, }  
Jefferson County. }

Before me, L. A. Keene, a notary public in and for said State and county, personally appeared J. A. McRae, who being first duly sworn, deposes and says: That he is business manager of the Age-Herald Publishing Company, which publishes the "Age-Herald," a daily newspaper, in the city of Birmingham, in said county and State; that he knows the contents of the notice herein below set forth, as follows:

## NOTICE.

Application will be made to the next legislature of Alabama for the passage of a bill in substance or effect as follows, namely:

## A BILL TO BE ENTITLED :

An act to vacate and annul that part of Twenty-seventh street, in the city of Birmingham, lying between First avenue, north, and Tenth avenue, north, in said city, as a public street or highway, and to annul and extinguish the dedication thereof.

Be it enacted by the Legislature of Alabama :

Section 1. That that part of Twenty-seventh street, in the city of Birmingham, Alabama, between First avenue, north, and Tenth avenue, north, in said city be, and the same is hereby vacated, annulled and abolished as a public street or highway, and the dedication thereof as a public street or highway is hereby extinguished and annulled.

Sec. 2. That nothing herein contained shall have the effect of releasing said Southern Railway company, its successors and assigns from any of the duties and obligations imposed upon it and them by ordinance No. 6, of the city of Birmingham, Alabama, entitled, "an ordinance granting to and confirming in the Southern Railway company certain franchises and rights in Twenty-seventh street."

Sec. 3. Nothing herein contained shall have the effect to deprive any person or corporation of any right to compensation under the constitution and laws of Alabama for property taken, injured or destroyed.

And that the said notice was published, without cost to the State, in the county aforesaid, once a week for four consecutive weeks: The first notice appearing in the issue of said newspaper on Thursday, December 27th 1906, the second notice in the issue of said newspaper on Thursday, January 3rd, 1907, the third notice in the issue of said newspaper on Thursday, January 10th, 1907, and the fourth notice in the issue of said newspaper on Thursday, January 17th, 1907.

J. L. McRae.

Subscribed and sworn to before me, this 7th day of February, 1907.

L. A. Keene,  
Notary Public.



Mr. Miller :

S. 335. To vacate and annul the alleyways in blocks 204, 205 and 206; the east half of the alleyways in block 207, and the east half of the alleyway in block 203, in the city of Birmingham Alabama; also all that part of Fourth avenue north, lying between Twenty-sixth street, north, and Twenty-seventh street north, in said city also all that part of Sixth avenue, north, extending from the boundary line between lots 18 and 19 in block 207 in said city (if projected across said avenue) to the western boundary line of Twenty-seventh street, also that part of Third avenue, in said city extending from the boundary line between lots 15 and 16 in block 204, in said city (if projected across said avenue) to the western boundary line of Twenty-seventh street.

Local Legislation.

With notice and proof as follows:

The State of Alabama, }  
Jefferson County. }

Before me, L. A. Keene, a notary public in and for said State and county, personally appeared J. L. McRae, who being first duly sworn, deposes and says: That he is the business manager of the Age-Herald Publishing Company, which publishes the "Age-Herald" a daily newspaper, in the city of Birmingham, in said county and State; that he knows the contents of the notice herein below set forth, as follows:

NOTICE.

Application will be made to the next legislature of Alabama for the passage of a bill in substance or effect as follows, namely:

A BILL TO BE ENTITLED:

An act to vacate and annul the alleyways in blocks 204, 205 and 206; the east half of the alleyway in block 207, and the east half of the alleyway in block 203, in the

city of Birmingham, Ala.; also all that part of Fourth avenue, north, lying between Twenty-sixth street, north, and Twenty-seventh street, north, in said city; also all that part of Sixth avenue, north, extending from the boundary line between lots 18 and 19, in block 207, in said city (if projected across said avenue) to the western boundary line of Twenty-seventh street; also that part of Third avenue, in said city, extending from the boundary line between lots 15 and 16, in block 204, in said city (if projected across said avenue), to the western boundary line of Twenty-seventh street.

Section 1. Be it enacted by the Legislature of Alabama: That the alleyways in blocks 204, 205 and 206, as surveyed and laid out in the plan of the city of Birmingham, Ala., and lying between Twenty-sixth street, north, and Twenty-seventh street, north, in said city; the east half of the alleyway in block 207, in said city, and the east half of the alleyway in block 203, in said city; also all that part of Fourth avenue, north, in said city, lying between Twenty-sixth street, north, and Twenty-seventh street, north, also all that part of Sixth avenue, north, in said city, extending from the boundary line between lots 18 and 19, in said block 207 (if projected across said avenue), to the western boundary line of Twenty-seventh street, north; also all that part of Third avenue, north, in said city, extending from the boundary line between lots 15 and 16, in said block 204 (if projected across said Third avenue), to the western boundary line of Twenty-seventh street, north, in said city, be and the same are hereby annulled, vacated and abolished as public streets or public highways, or alleys respectively, or part thereof, and the same shall forever cease to be public streets, or highways or alleys, and the dedication thereof as such is hereby extinguished and annulled.

Sec. 2. That nothing herein contained shall have the effect to deprive any person, or any corporation, of any right of compensation under the constitution and laws of the State of Alabama, for property taken, injured or destroyed.

And that the said notice was published, without cost to the State, in the county aforesaid, once a week for

four consecutive weeks; the first notice appearing in the issue of said newspaper on Thursday, December 27th, 1906, the second notice in the issue of said newspaper on Thursday, January 3rd, 1907, the third notice in the issue of said newspaper on Thursday, January 10th, 1907, and the fourth notice in the issue of said newspaper on Thursday, January 17th, 1907.

J. A. McRae.

Subscribed and sworn to before me, this 7th day of February, 1907.

L. A. Keene,  
Notary Public.

Mr. Gardner:

S. 336. To amend subdivision 3 of section 1446 of the code.

Public Health.

Mr. Gardner:

S. 337. To amend section 3263 of the code.

Public Health.

Mr. Glenn:

S. 338. To amend sections 1876, 1877, 1878 and 1879, of the code of Alabama, 1896.

Finance and Taxation.

Mr. Hamner:

S. 339. To amend an act entitled an act to confer additional rights and powers, including the right to acquire by purchase or condemnation lands and easements, upon corporations organized under the general laws or heretofore under a special act of the general assembly of the State of Alabama and upon corporations organized under the laws of any other State of the United States, and which corporations have complied with the laws of Alabama in reference to foreign corporations and which have the right by their character to manufacture, supply and sell power produced by water as a motive force.

Judiciary.

Mr. Thomas:

S. 340. To provide for the collection, compilation and publication of statistics of cotton stored within the State; to require warehousemen to make reports there-

to; and to fix penalties of the violations of the provisions of this act.

### Agriculture.

S. 341. To amend sections five and fifteen of an act entitled an act to declare the powers and jurisdictions of the city court of Anniston, approved December 9th, 1896, and to amend section ten of an act approved March 4th, 1903, entitled an act to amend sections nine, ten and sixteen of an act to declare the powers and jurisdictions of the city court of Anniston, approved December 9th, 1896, and to amend section two of an act approved December 13th, 1900 entitled an act to amend sections four and eleven of an act entitled an act to declare the powers and jurisdiction of the city court of Anniston, approved December 9th, 1906.

### Local Legislation.

With notice and proof as follows:

#### NOTICE OF LOCAL LAWS.

Notice is hereby given that application will be made to the next legislature of Alabama to enact the following bill in substance:

#### A BILL

To be entitled, "an act to amend sections five and fifteen of an act entitled 'an act to declare the powers and jurisdictions of the city court of Anniston, approved December 9th, 1896, and to amend section ten of an act approved March 4th, 1903, entitled, 'an act to amend sections nine, ten and sixteen of an act to declare the powers and jurisdiction of the city court of Anniston, approved december 9th, 1896,' and to amend section two of an act approved December 13, 1900, entitled 'an act to amend sections four and eleven of an act entitled 'an act to declare the powers and jurisdiction of the city court of Anniston,' approved December 9th, 1906.'"

Section 1. Be it enacted by the Legislature of Alabama, That section five (5) of an act entitled "an act to

declare the powers and jurisdictions of the city court of Anniston," approved December 9th, 1906, and the same is hereby amended so as to read as follows:

Sec. 5. Be it further enacted, That said court shall be held and the office of the clerk and the record thereof shall be kept in such place in the city of Anniston as may be provided by the commissioners' court of Calhoun county. Said court shall hold two regular terms in each year; special terms may also be held, when, in the opinion of the judge of said court, it shall be necessary for the proper transaction of business, as provided in section ten (10) of this act. Regular terms of said court shall be held as follows: Beginning on the third Monday in January in each year and continuing until and including the last Saturday in May, and on the first Monday in September in each year, and continuing until and including the third Saturday in December. Said court may be adjourned temporarily at any time, if the business therein does not require its continuous sitting. Non-jury cases shall not be set for trial in September except by consent.

Sec. 2. That section ten (10) of an act approved March 4th, 1903, entitled "an act to amend sections nine, ten and sixteen of an act to declare the powers and jurisdictions of the city court of Anniston, approved December 9th, 1896," be and the same is hereby amended so as to read as follows:

Sec. 10. That there shall be a grand jury for each term of said court, which shall be empaneled on the first Monday in September in each year, and shall continue in session until the business coming before it shall have been disposed of; and such grand jury shall have power and authority, and it shall be its duty, to investigate all matters and make all recommendations which the grand jury of the circuit court of Calhoun county has authority to do or make. The judge of said court shall have the authority, whenever he shall deem it expedient, after any grand jury has been discharged, and before the summoning of the next succeeding grand jury, to cause to be entered on the minutes an order requiring the sheriff to re-summon the persons who have last served as grand

jurors in said court, or to make an order requiring the drawing and summoning of a new grand jury, which order shall be entered upon the minutes of the court; and upon such order being made, not less than eighteen (18) nor more than twenty-one (21), names shall be drawn from the jury box of said county, in the manner in which special venires are required to be drawn by law; and shall make an order requiring the sheriff to summon the persons whose names are so drawn, which order the sheriff must immediately execute, and the persons summoned must attend and serve as grand jurors, and from the persons so attending, with such others as may be necessary to supply any deficiency (to be summoned and drawn as in other cases), a special grand jury must be organized, sworn and charged as in other cases, and it shall be the duty of such special grand jury to investigate such offenses as may be brought to their attention, and proceed thereon as a regular grand jury. There shall be petit juries for the trial of causes in said court. That petit juries must be drawn for six weeks of each **regular term of the said court, but petit jurors for four weeks only shall be summoned, and jury trials shall commence on the fourth Monday in September and the third Monday in March of each year, and may continue for four weeks at each term, should so much time be necessary to dispose of the business on the jury dockets, and provided, whenever the judge shall deem it expedient, he may, by order entered on the minutes, either before or at any time during the jury term, require the petit juries drawn for the fifth and sixth weeks, or either of them, to be summoned, and the jury term may continue until the business is disposed of. That the judge shall direct which of the jury weeks of any term shall be devoted to the trial of civil and which to the trial of criminal cases, and may direct any jury case to be heard during any jury week of said court. And whenever any trial has commenced before a jury and cannot be completed during the week in which the same begun then such trial shall be continued into the next week and until it shall be completed, and such jury shall continue to serve until such case is ended. Provided, that juries for**

the trial of capital cases shall be drawn, summoned and empanelled as is now or may hereafter be provided by law for drawing, summoning and empaneling juries for the trial of capital cases in the circuit courts of this State. The challenges of jurors shall be the same as now or may hereafter be provided by the law in the circuit courts of the State, and all laws applicable to jurors and juries in the circuit courts of the State shall apply equally to this court, except as otherwise provided in this act. The judge of the court may at any time when it is deemed necessary, order a special jury term to be held, either in term time or in vacation, of which such special jury term ten days notice shall be given by publication in a newspaper in said county, which order shall be entered on the minutes and shall specify the number of weeks the special jury term may continue. Petit juries for a special jury term shall be drawn by the presiding judge, clerk of the court and sheriff of the county, from the jury box of the county, and shall be summoned and empaneled as, in the case of petit juries for regular terms.

Sec. 3. That section fifteen (15) of an act entitled "an act to declare the powers and jurisdictions of the city court of Anniston," approved December 9th, 1896, be and the same is hereby amended so as to read as follows:

Section 15. Be it further enacted, That the supreme court shall have appellate and supervisory jurisdiction over said city court, and cases in law and equity may be appealed or removed to said supreme court in the same manner and under the same rules that cases are appealed or removed from the circuit and chancery courts of the State, and the appellate and supervisory jurisdiction of the supreme court over said city court, or the judge thereof, as over the chancery courts or chancellors, and all bills of exceptions shall be presented to and signed by the judge of said city court within thirty days after the trial of a cause, or, when a motion for a new trial is made, within thirty days from the ruling upon such motion, and in the latter case such bill of ex-

ceptions may present for review the matters occurring on the trial of the cause as well as those occurring on the hearing of the motion; but the time may be extended by order of the court in term time, or by the judge in vacation or by agreement of counsel filed in the cause, and when the time has been extended, it may be again extended, either by the court, or judge in vacation or by agreement of counsel. The beginning of a new term shall not affect any extension under the provisions of this section, provided, no bill of exceptions shall be signed after six months from the date of the final judgment. All motions for new trials must be made within thirty days from the trial of the cause.

Sec. 4. That section two (2) of an act approved December 13th, 1900, entitled "an act to amend sections four and eleven of an act entitled 'an act to declare the powers and jurisdictions of the city court of Anniston,' approved December 9th, 1896," be and the same is hereby amended so as to read as follows:

Sec. 2. Be it further enacted, That section 11 of said act be amended so as to read as follows:

~~Sec. 11.~~ Be it further enacted, That in all civil cases at law in said court the issue and question of fact shall be tried by the court without the intervention of a jury, unless a jury be demanded by the plaintiff at the commencement of the suit, or when the cause is at issue, by endorsing such demand on the summons and complaint, or other process, or by the defendant or other party at his appearance by endorsing such demand in writing on the plea, or demurrer, or other pleadings, provided that when a cause is transferred to said city court the demand for a jury shall be made at the time of the application for said transfer, and a failure to demand a jury as above directed shall be deemed and held a waiver of the rights of a trial by jury, and provided that when a case is brought to said court by appeal, or by writ of certiorari, the demand for a jury shall be made at or before the first sounding of said case; and provided further that when a case shall have been tried without the intervention of a jury, and a new trial granted by the court, or when the same shall have been reversed by the su-



preme court, that either party to the cause may demand a jury, provided that such demand is made at the first sounding of the cause thereafter. That in all cases decided by the court without the intervention of a jury, the court shall make a special finding of the facts in writing, if so requested by either party, which special finding shall be filed in the cause and shall be a part of the record in the case, provided that on appeal such special finding shall have no greater weight than any other findings of the judge as provided in section 12 of this act.

The State of Alabama, }  
Calhoun County. }

Before me, A. B. Sawyer, a notary public in and for said State and county, personally appeared Milton A. Smith, who being duly sworn, deposes and says that he is publisher of the Anniston Daily Hot Blast, a newspaper published in Anniston, Calhoun county, Alabama; and that the above and foregoing notice was published at least once a week for four consecutive weeks in said newspaper; that said publication began on the 6th day of January, 1907, and ended on the 27th day of January, 1907.

Milton A. Smith.

Sworn to and subscribed before me, this the 18th day of February, 1907.

A. B. Sawyer,  
Notary Public, Calhoun County, Ala.

S. 342. To regulate the practice in the circuit court of Calhoun county.

Local Legislation.

With notice and proof as follows :

#### NOTICE OF LOCAL LAW.

Notice is hereby given that application will be made to the next Legislature of Alabama to enact the following bill in substance:

## AN ACT

To regulate the practice in the circuit court of Calhoun county.

Sec. 1. Be it enacted by the Legislature of Alabama, That in all civil cases in the circuit court of Calhoun county, the defendant shall appear and plead ten (10) days before the beginning of the term of said court at which said cause shall be at issue, provided service shall have been perfected not less than thirty (30) days before the beginning of said term, and in all other cases the defendant shall appear and plead within twenty (20) days after the service of summons and the perfection of service, provided that the service is perfected in twenty (20) days before the beginning of the term.

Section 2. That all civil cases in said court shall be tried by the court without a jury, unless a jury shall be demanded in writing by the plaintiff at the time of filing the complaint, or when said cause is at issue, or by the defendant upon his appearance, provided, that all ~~cases brought to said circuit court by appeal, or by writ~~ or certiorari shall be tried without a jury, unless a jury shall be demanded by the plaintiff or the defendant before the first day of the term at which said cause shall stand for trial.

Sec. 3. That the first week of each regular term of said court shall be devoted to the settlement of pleadings and the trial of non-jury cases, and a jury shall not be summoned for the first week of said term.

Sec. 4. That special terms of said court for the trial of non-jury cases may be called by the court in term time, or by the judge in vacation, by an order entered on the minutes of the court not less than ten days before the first day of said special term.

Sec. 5. That in the trial of any cause at law without a jury in said circuit court, in addition to the questions which may be presented under existing laws to the supreme court for review, either party may by bill of exceptions also present for review the conclusions and judgments of the court on the evidence, and the supreme court shall review the same without any presumption

in favor of the court below on the evidence, and if there be error, shall render such judgment in the cause as the court below should have rendered, or reverse and remand the same for further proceedings as the supreme court shall deem right.

The State of Alabama, }  
Calhoun County. }

Before me, A. B. Sawyer, a notary public in and for said State and county, personally appeared Milton A. Smith, who being duly sworn deposes and says that he is the publisher of the Anniston Daily Hot Blast, a newspaper published in Anniston, Calhoun county, Alabama; and that the above and foregoing notice was published at least once a week for four consecutive weeks in said newspaper; that said publication began on the 6th day of January, 1907, and ended on the 27th day of January, 1907.

Milton A. Smith.

Sworn to and subscribed before me, this the 18th day of February, 1907.

A. B. Sawyer,  
Notary Public, Calhoun county, Ala.

Mr. Lusk:

S. 343. To require and regulate the giving of bills of lading or receipts for property received by any company common carrier railroad or transportation company for transportation, originating and terminating within this State, and to fix the liability of the initial carrier for any loss, injury or damage to such property, and prohibit the limitation of such liability by contract.

Commerce and Common Carrier.

Mr. Lusk:

S. 344. To further regulate opening, closing, keeping and selling or giving away spirituous, vinous or malt liquors under a license operating saloons in the State of Alabama, and to punish the violation thereof.

Temperance.

Mr. Miller :

S. 345. To amend sections one (1) and two (2) of an act entitled an act to confer additional rights and powers including the right to acquire by purchase, or by condemnation lands and easements upon corporations organized under the general laws or heretofore under a special act of the general assembly of the State of Alabama, and upon corporations organized under the laws of any other State of the United States and which corporations have complied with the laws of Alabama in reference to foreign corporations and which have the right by their charter to manufacture, supply and sell power produced by water as a motive force, approved October 1st, 1903, and to add thereto sections eight and a half and nine and a half.

Judiciary.

Mr. Miller :

S. 346. To amend an act to amend an act to amend section 4457 of the code of 1896, approved March 5th, 1901.

Finance and Taxation.

~~Mr. Reese :~~

~~S. 347. To establish and maintain a State sanatorium for consumption and tuberculosis and to provide for disseminating information upon the nature, treatment and care of tubercular disease, and to make appropriations therefor.~~

Mr. Reese :

S. 348. To authorize cities and towns to hire or lease all persons convicted for violating ordinances thereof who are sentenced to perform hard labor.

Local Legislation.

#### REPORTS OF COMMITTEES.

Mr. Lusk, chairman of the standing committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report.

Mr. Gardner, (with substitute) :

S. 209. To amend section 3384 of the code of Alabama.

Mr. Miller, chairman of the standing committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report with amendment.

Mr. Heacock :

S. 123. To amend sections 12 and 16 of an act entitled an act for the relief of needy confederate soldiers and sailors, resident citizens of Alabama, and their widows, approved the 10th day of February, 1899.

Mr. Merritt, chairman of the standing committee on Local Legislation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report.

S. 302. To amend an act entitled an act to establish the city court of Bessemer, approved February 28th, 1901.

Also,

S. 301. To dispose of all surplus monies coming into the fine and forfeiture fund of Jefferson county, Alabama.

Also,

S. 303. To amend an act entitled an act to authorize the court of county commissioners of Jefferson county to purchase claims against the fine and forfeiture fund of said county.

Also,

S. 328. To rearrange and extend the corporate limits of the town of Linden, Marengo county, Alabama.

Also,

S. 333. To provide for the fixing of the salary of the county superintendent of education of Perry county, Alabama, and for the defining of the duties and requirements of said superintendent.

Also,

S. 332. To authorize the county commissioners of Perry county, Alabama, to appropriate annually from the funds of said county the sum of two hundred and fifty dollars for the use of the county board of education of said county to be used by said board for the sole and only purpose of advancing the interests of the public schools of said county.

Also,

H. 66. To regulate the sale of corn meal.

H. 585. To provide for and regulate the drawing, summoning and empanelling of juries in capital cases in Jefferson county.

Also,

H. 595. To legalize and authorize the payment of certain claims herein enumerated from the general fund of Clay county by the treasurer of said county.

Also,

H. 599. To provide for the holding of sessions of the court of county commissioners for Coffee county, at Enterprise, Alabama, and to regulate the same.

Also,

H. 631. To amend sections 1 and 2 of "an act to amend sections 1, 2 and 5 of an act to provide for an election in the various beats or parts of beats in Clay county on the subject of stock running at large in the beats or parts of beats in said county, approved Dec. 10, 1890, approved March 4, 1901.

Also,

H. 388. To repeal an act entitled an act to incorporate the South Side Reading Club of Birmingham, Ala. Approved February 13, 1897.

Also,

H. 598. To provide for holding separate terms of the chancery court of Coffee county in the eleventh district of the southeastern chancery division of the State of Alabama at Enterprise, Alabama, and to regulate the holding of such court, to provide accommodations and equipment therefor; making its jurisdiction and powers the same as the jurisdiction and powers it exercises

when sitting at Elba, in said county; providing for the transfer of causes from the said court sitting at one of said places to the said court at the other place, and investing the chancellor of said court and register at Enterprise with all the powers conferred by law upon chancellors and registers in this State.

Also,

H. 596. To provide for holding separate terms of the circuit court for Coffee county, in the twelfth judicial circuit, at Enterprise, for the following portions of Coffee county, to-wit: Township 3, range 22; township 4, range 22; township 5, range 22; township 3, range 21; township 4, range 21; the east one half of township 3, range 20; the following sections in township 4, range 20, to-wit: 13, 22, 23, 24, 25, 26, 27, 34, 35, 36; and all that portion of the territory in township 6, range 22; township 7, range 22; township 5, range 21; township 6, range 21, lying north of Pea river, and to regulate the holding of such court, to provide buildings and accommodations therefor, making its jurisdiction within such district exclusive of the jurisdiction it exercises when sitting at Elba, in said county of Coffee, defining the powers of the judge and the clerk thereof, and regulating the drawing of its grand and petit jurors, and providing for the transfer of causes from the circuit court held at Elba, to said court held at Enterprise, and from the latter to the former.

Also,

H. 597. To establish a probate office at Enterprise, Alabama, and to provide for holding terms of the probate court of Coffee county thereat, and to regulate the jurisdiction and proceedings thereof, and to provide for the registration in such office of instruments authorized by law to be recorded, and defining the district within and for which the jurisdiction of such court shall be exercised and such registration shall operate.

Also, (with amendment),

H. 540. To further regulate the city court of Birmingham, Alabama, and the practice and procedure in said court, to provide for judges thereof, their election, term of office, removal, power and salary; for the election,

term of office, bond, removal and duties of the clerk and register thereof, and to provide suitable court rooms and places, dockets, stationery, and other supplies for the holding of said court.

Mr. Reynolds, chairman of the standing committee on Education, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report.

S. 306. To amend an act entitled "an act to provide for the change of name, and otherwise amending the charters of educational institutions of collegiate rank, which have been established by an act of the general assembly of Alabama," approved, October 1st, 1903.

Also,

S. 314. To provide for the taking of the census of the school children in the State of Alabama, and to provide punishment for the making of false enumerations.

Also, with amendment,

H. 30. To define who are delinquent children and to provide for their arrest, care and reformation.

Mr. Strother, chairman of the standing committee on Municipalities and Municipal Organizations, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report.

(With amendment.)

S. 284. To further regulate municipal corporations, to confer additional rights, power and authority on the same, to prescribe the manner in which such rights, powers and authority may be acquired and conferred, and to provide the manner in which charters for such corporations may be obtained and amended.

Mr. McWhorter, chairman of the standing committee on Temperance, reported that said committee, in session, has acted on the following bills and ordered same returned to the Senate with a favorable report.

(With substitute).

S. 133. To amend chapter 98 of the Code of Alabama of 1896.



Also,

H. 448. To repeal an act entitled an act to prohibit the sale, giving away or otherwise disposing of spirituous, vinous or malt liquors, or intoxicating bitters or beverages within certain territories therein described, in so far as the same relates to precinct number eight, including the towns of Fitzpatrick and Thompson in Bullock county, Alabama, approved December 31st, 1897.

Also,

H. 530. To amend section 1 of an act entitled an act to make it unlawful for any person or persons to sell, give away, barter, exchange, or otherwise dispose of any alcoholic, vinous or malt liquors or intoxicating bitters, beverages or fruits preserved in alcoholic liquors within one and a half miles of Mount Zion church in Winston county, Alabama, and certain other places in the State of Alabama, approved December 12th, 1888, so far as the same relates to said Mount Zion church, which in said act should have been Mount Joy church.

Also,

H. 536. To prohibit the sale, barter, exchange or giving away of spirituous, vinous or malt liquors, or intoxicating drinks within Camp Smith, precinct No. 12 and Wheeler Precinct No. 9, in Colbert county.

Mr. Overton, chairman of the standing committee on Commerce and Common Carriers reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment:

H. 665. To prescribe rules and regulations relating to demurrage and car service and charges therefor and the respective rights, duties, obligations, liabilities and remedies of common carriers by rail and shippers and consignees with respect to the furnishing of empty cars and the transportation and delivery of freight and delay of shippers and consignees in the loading and unloading of cars and the receiving of freight, and charges for such delay.

Mr. Gunn, chairman of the standing committee on Penitentiary, Prisons and Punishment, reported that said committee, session, had acted on the following bill and ordered same returned to the Senate with a favorable report.

H. 371. To provide for the inspection of jails and almshouses.

Mr. Miller, chairman of the standing committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute.

S. 122. For the additional relief of needy confederate soldiers and sailors who are resident citizens of the State of Alabama and their widows by the appropriation of such sum, out of any funds in the treasury not otherwise appropriated as may be necessary to pay pensioners of the 1st class, \$100.00 each, of the 2nd class \$83.33 of the 3rd class \$66.66 and of the 4th class \$50.00 each for the fiscal yeas beginning October 1st, 1907, 1908, 1909.

Mr. Reynolds, chairman of the standing committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report.

H. 225. To amend sections 1 and 2 of an act approved January 30th, 1897, to regulate the appropriation and management of the several agricultural schools and experimental stations in the State of Alabama.

The foregoing bills contained in said committee reports were severally read a second time and placed on the calendar.

#### SPECIAL ORDER SET.

On motion of Mr. Strother,

S. 284. To further regulate municipal corporations, to confer additional rights, powers and authority on the same, to prescribe the manner in which such rights, powers and authority may be acquired and conferred

and to provide the manner in which charters for such corporations may be obtained and amended.

Was made a special order for Thursday, February 21, 1907, at 12:45 p. m.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has amended as therein shown and as amended has passed the following Senate bill:

S. 128. To confer jurisdiction of all misdemeanors on the county court of Clarke county, and to define the jurisdictions of said court, to regulate the practice therein, to provide for a judge, solicitor and clerk of said court and to fix their compensation.

And the House has passed the following Senate bills:

S. 247. To provide for the holding of a term of the circuit court of the fifth judicial circuit at Goodwater, in Coosa county, and to regulate the same.

S. 101. To provide for the compensation of the solicitor for Mobile county for the prosecution of criminal cases.

S. 100. To provide for the election of a solicitor for Mobile county.

Cyrus B. Brown,  
Clerk.

#### HOUSE MESSAGE.

On motion of Mr. Gunn the following amendment adopted by the House to Senate bill 128, the title to which appears in the foregoing message from the House was concurred in, to-wit:

Amend the amendment reported by the committee as follows:

By striking out all that portion of said amendment, beginning with the word "and" on the 13th line of said amendment.

Amend by striking out section 19 and inserting in lieu thereof the following section:

Sec. 19. Be it further enacted, That it shall be the duty of the governor of Alabama, within thirty days af-

ter the passage of this act, to appoint a judge of said county court, who shall hold office until the general election in November, 1910, and who shall be paid the sum of twelve dollars per annum, payable on the first day of each and every month, out of the fine and forfeiture fund of Clarke county, provided that a judge of said county court shall be elected at the general election in 1910, by the qualified voters of Clarke county, and every four years thereafter; and provided further that said judge and his successor, shall be a licensed practicing attorney of Clarke county, and provided further that the judge of said court and his law partner shall be incompetent and disqualified during his term of office to prosecute or defend criminal cases in any court of said county; and provided further that in all cases of conviction in said court, there shall be taxed against the defendant the sum of four dollars in each case, which sum shall be collected as other costs in such cases and shall be paid into the fine and forfeiture fund of said county.

Yeas, 25; nays, 0.

Barbour	Hamner	King	Reese
Blackmon	Hayes	Lowe	Reid
Davis	Heacock	Lusk	Spragins
Forrester	Hinson	Merritt	Strother
Gardner	Horton	McWhorter	Thomas
Glenn	Jones	Overton	Wimberly.
Gunn			

—25.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The Speaker of the House having signed the following House bills your signature thereto is requested

H. 383. To repeal an act entitled an act to incorporate the Olivet Club, approved February 18, 1895.

H. 287. To repeal an act entitled an act to establish and maintain a dispensary for Searight, in the county of Crenshaw in the State of Alabama, for the purpose of selling spirituous, vinous and malt liquors and wine, and to punish all violations of the provisions of this act.

H. 464. To amend an act to incorporate a separate school district in Elmore county, to be known as the Tallassee school district, approved February 23, 1899.

H. 350. To repeal an act entitled an act to prohibit the sale, giving away or otherwise disposing of spirituous, vinous, or malt liquors, or intoxicating ciders, bitters or beverages, or fruits preserved in alcoholic liquors within precinct number eight, including the incorporation of the town of Fitzpatrick and Thompson in Bullock county, Alabama, approved January 29th, 1897.

H. 18. To fix the time and place of holding the circuit court in the twelfth judicial circuit of the State of Alabama.

H. 385. To repeal the charter of the Shakespeare Club of Birmingham, Ala.

H. 364. To amend sections thirteen (13) and nineteen (19) of an act entitled an act, "To declare the powers and jurisdiction of the city court of Gadsden," approved February 27th, 1901.

H. 321. To prohibit the sale, barter, exchange or other disposition of spirituous, vinous, or malt liquors or intoxicating beverages, tonics, or decoctions within the limits of Faunsdale precinct, in Marengo county, Alabama, except at the dispensary in the town of Faunsdale.

H. 584. To further provide for jurors for the trial of causes other than capital causes in the criminal court of Jefferson county, or other courts, exercising criminal jurisdiction in said county.

H. 433. To authorize the court of county commissioners of Marion county to order the county treasurer of said county to pay the outstanding warrants of said county, given for the repairs of the jail of said county, out of the general fund of said county and to further authorize said court to use at any time any balance that may be in the general fund at the end of any year for any public improvement in said county and to authorize the county treasurer to honor warrants drawn for said purposes.

H. 49. To provide for holding the circuit court in St. Clair county, Alabama; to divide said county into two

judicial divisions, to regulate the said court and the jurisdiction of and the proceedings in and relating to the same.

H. 24. To make appropriation for the support and maintenance of the public schools of the State.

H. 500. To ratify and confirm the acts and contracts of the court of county commissioners of Lee county, or other agents of said county in borrowing money for the use and benefit of said county, and to ratify and confirm the warrants given on said contracts for money so borrowed.

H. 150. To amend an act to amend section 909 of the Code of 1896, approved February 28, 1903, so far as the same relates to the times of holding the circuit court in Marion county, Alabama.

H. 165. For the relief of J. D. Crow, an indigent and aged confederate soldier.

H. 402. To provide for two janitors for the court house of Montgomery county.

H. 419. To abolish the fine and forfeiture fund of Tuscaloosa county and to provide for the payment of all **outstanding valid claims against the said fund.**

H. 386. To repeal an act entitled an act to incorporate the Leisure Hour Club of Birmingham, Ala., approved Feb. 23, 1899.

H. 99. To repeal an act to empower and require the county commissioners of Cullman county to make appropriations out of the general funds, to the fine and forfeiture fund of said county, approved September 29, 1903.

H. 157. To regulate the compensation of persons serving or summoned as grand or petit jurors in Mobile county.

H. 96. To provide for the payment of certain fine and forfeiture funds in the hands of the clerk of the circuit court of Cullman county, Alabama.

H. 499. To authorize the county of Lee to borrow money not exceeding the current revenue of said county for any one year in the discretion of the court of county commissioners of said county.

H. 387. To repeal an act entitled "An act to confirm the incorporation of the Shakespeare Club of Birmingham, Ala., and change the name of said club to the Alabama Club, and to enlarge the powers and capacities of said club, approved February 18, 1891.

H. 263. To provide for holding regular, special and adjourned terms of the commissioners' court of St. Clair county at Pell City, to declare the powers and jurisdiction of said court holden at said place, to regulate its proceedings and to provide for its records, fixtures, and supplies and the keeping thereof.

H. 382. To repeal an act entitled an act to incorporate the Jackson Club, approved February 23, 1899.

H. 74. To regulate the costs in criminal cases in the circuit court of Bibb county, Alabama, in the county court of said county, and in or before the grand jury of said county; and to provide for the payment of same.

H. 262. To provide for the holding of regular terms of the county court of St. Clair county at Ashville, the county seat, and at Pell City in said county, and to define the jurisdiction of said court holden at each of said places and to regulate the said court and proceedings in and relating to the same.

Cyrus B. Brown,  
Clerk.

#### SIGNING OF BILLS.

The President of the Senate, in the presence of the Senate, immediately after their titles had been publicly read at length by the secretary, signed the above House bills, the titles of which are set out in the foregoing message from the House, the reading at length of said bills having been dispensed with, by a two-thirds vote of a quorum of the Senate present.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in the Senate amendments to the bills,

H. 418. To fix, provide for, and regulate the pay of State witnesses before the grand juries and circuit and county courts of Tuscaloosa county.

H. 76. To regulate the trial and proceedings in criminal cases for the violations of the special or local prohibition law for Bibb county, Alabama.

Cyrus B. Brown,  
Clerk.

#### REPORT FROM COMMITTEE ON ENGROSSED BILLS.

Mr. President:

The committee on Engrossed Bills have examined and compared the following Senate bills:

S. 18. To prevent any officer, agent or employee of any person, company or corporation owning or operating as a common carrier any railroad in whole or in part in this State, from charging or receiving for the transportation, originating and terminating within the State, of any article a greater or higher rate of compensation than that established by statute where a rate for the transportation of such article has been established by statute, or from refusing to receive such article for transportation at the rate established by statute.

S. 43. To regulate railroads and other common carriers in this State, to secure reasonable and adequate service, and prevent unjust discrimination in their public service, and prescribe penalties for violation thereof.

S. 106. To require and authorize the railroad commission to prescribe rules, regulations and requirements for the issuance and use of interchangeable mileage tickets and coupon tickets on and over lines of transportation of railroad common carriers of passengers in this State, and punish any violation of such orders, rules, regulations and requirements.

S. 116. To amend sections two (2), three (3), five (5), six (6), seven (7), eight (8), nine (9), ten (10), thirteen (13) and fourteen (14) of an act entitled an act to establish an inferior criminal court in the county of Mobile, approved February 23rd, 1899.



S. 44. To create a commission to be known as "The Railroad Commission of Alabama" define its duties and powers and provide mode of procedure, and prescribe penalties for violation of its orders.

S. 294. To fix the compensation of the several State executive officers, officers of departments and boards, subordinate officers, clerks, watchmen, and capitol servants and to make appropriation therefor.

And find them correctly enrolled.

February 20th, 1907.

Frank S. Moody,  
Chairman.

#### SIGNING OF BILLS.

The President of the Senate, in the presence of the Senate, immediately after their titles had ben publicly read at length by the secretary, signed the above Senate bills, the titles of which are set out in the foregoing report from the committee on Enrolled Bills, the reading at length of said bills having been dispensed with, by a two-thirds vote of a quorum of the Senate present.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bills:

H. 167. To authorize the establishment of State depositories for State funds; to authorize State and county officers to deposit State funds therein; to provide for the regulation and control of such depositories; to provide security for the funds deposited therein; to provide penalties for the violations of the rules and regulations prescribed for the establishment, management and control of such institutions.

And sends the same to the Senate.

H. 490. To further regulate elections in cities and towns of the State of Alabama.

And sends the same to the Senate.

H. 180. To provide for the sale and other disposition by the board of trustees of the University of Alabama of such lands as have been or may be selected under and

by virtue of an act of Congress entitled "An act to increase the endowment of the University of Alabama from the public lands in said State, approved April 23, 1884; and to ratify and confirm such sales and other dispositions of said lands as may have heretofore been made."

And sends the same to the Senate.

H. 218. To prohibit the display of nude pictures of a man, woman or girl in any public place except art galleries.

And sends the same to the Senate.

H. 575. For the relief of John S. Stephenson.

And sends the same to the Senate, with notice and proof attached and herewith exhibited as follows:

#### NOTICE.

Notice is hereby given that I will apply to the Legislature of Alabama at the session beginning in January, 1907, for relief in this:

That I, as sheriff of Lawrence county, have a lot of fees chargeable against the fine and forfeiture funds of said county, which I failed to register against said fund within one year after the same occurred, and which is now barred and amounts to \$1,337.50, and that I will apply to the Legislature to pass an act allowing me to register said fine and forfeiture fund of Lawrence county, with a time to be named in said act.

This December 29, 1906.

John S. Stephenson.

The State of Alabama, }  
Lawrence County. }

Before me, J. C. Kumpe, judge of probate in and for said State and county, personally appeared Jourd White, who being duly sworn, deposes and says that he is one of the owners, publishers and editors of the "Moulton Advertiser," a newspaper published at Moulton, in said State and county. That the notice hereto attached and which was given by John S. Stephenson, to the effect that he would have introduced at the present session of the Legislature of Alabama, a bill asking the

relief as stated in said notice, was published in said paper for four consecutive weeks, as follows, to-wit: January 3rd, 1907; January 10th, 1907; January 17th, 1907; January 24th, 1907.

Jourd White,  
Editor and Publisher of The Moulton Advertiser.

Sworn to and subscribed before me, this, the 24th day of January, 1907.

J. C. Kumpe,  
Judge of Probate, Lawrence County, Alabama.

H. 715. To authorize the court of county commissioners or board of revenue of any county authorized to levy a special tax for working the public roads to transfer to the road fund any surplus of general county funds in the county treasury.

And sends the same to the Senate.

H. 491. To fix and provide for the salaries of city officers in the cities of the State of Alabama having a population of over twenty-five thousand inhabitants.

And sends the same to the Senate.

Cyrus B. Brown,  
Clerk.

#### HOUSE MESSAGE.

The House bills in the foregoing House message were severally read once and referred to appropriate standing committees as follows:

H. 167, to Banking and Insurance.

H. 490, to Judiciary.

H. 180, 575, to Finance and Taxation.

H. 218, to Public Health.

H. 715, 491, to Local Legislation.

#### UNFINISHED BUSINESS.

The Senate then proceeded to consider the unfinished business of Saturday, which was:

S. 30. To provide the indigent children of this State in attendance on the public schools of said State with text books and to provide for their preservation and to fix a penalty for the violation of this act.

Mr. Barbour offered the following amendment to said substitute, to-wit:

Amend by adding the following words after the word "purposes" at the end of section two: "Provided that not more than ten dollars be used for said purpose in any one school district in any one scholastic year."

Which was adopted.

Yeas, 26; nays, 2.

Yeas:

Messrs:

Barbour	Gunn	Leith	Spragins
Blackmon	Hayes	Merritt	Strother
Davis	Heacock	Miller	Thomas
Doster	Hinson	McWhorter	White
Forrester	Horton	Overton	Wilson
Gardner	Jones	Reynolds	Wimberly.
Glenn	King		

—26.

Nays: Messrs. Lowe and Lusk—2.

Mr. Gunn then offered the following amendment, to-wit:

Amend by inserting before the first word in last line of Sec. 1 the words "district trustees of the district in which said teacher is teaching and"

Which was adopted.

Yeas, 22; nays, 0.

Yeas:

Messrs:

Barbour	Hayes	Lowe	Overton
Davis	Heacock	Lusk	Reynolds
Doster	Horton	Merritt	Strother
Gardner	Jones	Moody	Wilson
Glenn	King	McWhorter	Wimberly
Gunn	Leith		

—22.

And said substitute as thus amended was adopted.

Yeas, 18; nays, 10.

Yeas:

Messrs:

Barbour	Gunn	King	Overton
Blackmon	Hayes	Leith	Reynolds
Davis	Heacock	Merritt	Spragins
Doster	Hinson	McWhorter	Wimberly
Gardner	Horton		

—18.

Nays:

Messrs:

Forrester	Lowe	Reese	Thomas
Glenn	Lusk	Strother	Wilson
Jones	Moody		

—10.

And said bill as thus amended was read a third time, at length, and passed.

Yeas, 15; nays, 15.

Yeas:

Messrs:

Barbour	Hayes	Merritt	Reynolds
Blackmon	Heacock	Miller	Thomas
Gardner	Hinson	McWhorter	Wimberly
Gunn	Horton	Overton	

—15.

Nays:

Messrs:

Davis	Jones	Lusk	Strother
Forrester	King	Moody	White
Glenn	Leith	Reid	Wilson
Hamner	Lowe	Spragins	

—15.

The vote being a tie, the President of the Senate voted yea, which being a majority of said votes cast passed said bill.

#### SPECIAL ORDER SET.

On motion of Mr. Gardner,

S. 310. Conferring on railroads operating in the State of Alabama, the right to acquire lands for depots, freight yards and team tracks by condemnation proceed-

ings, in the mode prescribed by law, after application for permission to bring such condemnation proceedings has first been submitted to and approved by the railroad commission of Alabama.

Was made a special order for this afternoon at 4 o'clock.

#### SPECIAL ORDER.

The Senate proceeded to the consideration of the special order for this hour, which was:

The bill:

H. 128. To prohibit, regulate and restrict the sale or other disposition of intoxicating liquors, drinks or beverages within the State of Alabama by providing for elections in the various counties of the State, to determine whether the sale or other disposition of such intoxicating liquors, drinks or beverages shall be so prohibited, regulated and restricted.

Mr. McWhorter offered the following amendment:

Amend section 13 by adding the words "and the county shall be made the contestee, and the county solicitor shall be required to respond to the contest." And further amend section 15, line three, by striking out the word "effected" and inserting in lieu thereof the word "affected." And further amend by striking out all of section 18, and inserting in lieu thereof the following words: "Section 18. The provisions of this act are not intended to extend to or to prohibit the use of wines for sacramental purposes."

Which was adopted.

Yeas, 22; nays, 0.

Yeas:

Messrs:

Barbour	Hayes	Lusk	Reese
Davis	Heacock	Merritt	Reynolds
Forrester	Hinson	Miller	Spragins
Gardner	Horton	McWhorter	Strother
Gunn	Jones	Overton	Wilson
Hamner	King		

Mr. Merritt offered the following amendment:

Amend section 1, by striking out all of said section beginning with and including the words "But no election" in line 9, and inserting in lieu thereof the following:

"But no election shall be called or held under the provisions of this act in or for any county in which a dispensary may be established or may be authorized to be established for the disposition or sale of spirituous, vinous, malt or other intoxicating liquors under the provisions of any act passed by the present session of the Legislature or which has been heretofore passed until after the expiration of four years from the approval of this act.

Which was, on motion of Mr. McWhorter, laid on the table.

Yeas, 18; nays, 14.

Yeas:

Messrs:

Barbour	Gunn	Lowe	Overton
Davis	Heacock	Lusk	Reid
Doster	Horton	Moody	Strother
Forrester	Jones	McWhorter	Wilson
Gardner	Leith		

—18.

Nays:

Messrs:

Blackmon	Hayes	Miller	Spragins
Glenn	Hinson	Reese	Thomas
Hamburger	King	Reynolds	Wimberly
Hamner	Merritt		

—14.

Mr. Merritt offered the following amendment:

Amend section 1, by striking out all of said section beginning with and including the words "But no election" in line 9, and inserting in lieu thereof the following: "But no elections shall be called or held under the provisions of this act in or for any county in which a dispensary may be established or may be authorized to be established for the disposition or sale of spirituous, vinous, malt or other intoxicating liquors under the provisions of any act passed by the present session of the

Legislature or which has been heretofore passed until after the expiration of two years from the approval of this act."

Mr. Reynolds offered the following amendment to the amendment offered by Mr. Merritt:

After the last words in the amendment add the words "nor shall any dispensary heretofore established by a popular vote be abolished by any election or the result of said election held under the provisions of this act until two years after the result of said election held under the provisions of this act shall have been declared."

Pending the consideration of which,

#### RECESS.

The hour of one o'clock having arrived the Senate took a recess until 3 o'clock p. m. this afternoon.

#### AFTERNOON SESSION.

The Senate reassembled at 3:30 o'clock p. m.

#### ROLL CALL.

On a call of the roll a quorum of the Senate was present.

#### PRIVILEGES OF THE FLOOR.

The privileges of the floor were extended to Hon. C. C. NeSmith of Jefferson, and Col. James Woodruff of Limestone for today.

#### REPORT FROM JOINT COMMITTEE ON RECESS.

Mr. Lusk, from the joint committee on Recess, made the following report:

To the President of the Senate and the Speaker of the House of Representatives:

We, your committee, appointed from the Senate and House of Representatives to consider and suggest by report, whether the Legislature should take a recess and



at what time it should recess and reconvene, having duly considered the matter referred to it, respectfully recommend for your consideration, that the Legislature do adjourn on Saturday, March 2nd, 1907, and that it do reconvene at 10 o'clock a. m. on the 18th day of June, 1907.

John A. Lusk,  
H. E. Reynolds,  
Committee on part of Senate.  
Thos. L. Bulger,  
Henry B. Steagall,  
J. Lee Long,  
Committee on part of House.

Which report was concurred in.

#### RESOLUTIONS.

Mr. Gunn offered the following resolution, No. 50:  
Resolved, that Senate bill No. 320 be made a special order for 5:30 p. m., Wednesday, Feb. 20, 1907."  
Which was read and referred to the Rules committee.

Mr. Blackmon offered the following resolution, No. 51:  
Resolved, that Senate bill 150 be made a special order for Saturday, Feb. 23, 1907, at 11:30 o'clock a. m.  
Which was read and referred to the Rules committee.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The Speaker of the House having signed the following House bills your signature thereto is requested:

H. 397. To establish a dispensary in and for the town of Thomaston, in the county of Marengo, State of Alabama, and to provide for the conduct and regulation of the same.

H. 508. To create the office of assistant solicitor for the county of Montgomery, Alabama, in lieu of the present office of deputy solicitor for said county, prescribing his duties, fixing his salary and providing for the method of selection for said office.

H. 622. To provide a road law for the county of Marengo and to enforce the same.

H. 356. To better provide for maintaining and keeping in repair public roads of Monroe county.

H. 452. To authorize the establishment of a dispensary in the town of Oxford, Calhoun county, Alabama, for the purpose of buying and selling spirituous, vinous or malt liquors, and to prescribe the condition on which such dispensary shall be established, and to provide for the distribution of the profit arising from the same, and to further regulate and prohibit the sale, giving away, or otherwise disposing of all intoxicating liquors except in said dispensary, and to provide that this act shall go into effect at an election to be held in the said town on the \_\_\_\_\_ day of \_\_\_\_\_, 1907.

H. 521. To abolish the county court of Cleburne county, Alabama, to take effect on the first day of May, 1907, to provide for the transfer and disposition of the suits and cases pending therein, and of all proceedings for the remedial writs pending before the judge of said court or before said court, at said date, and of the dock-etc, records and papers of said court, to provide for the enforcement of the orders, judgments and decrees of said abolished court, and for the collection of the unpaid fees and cost earned therein, and to regulate from and after said date, the process issued from and returnable to said court, and bonds and recognizances pertaining to proceedings therein.

H. 338. To provide for the maintenance, improving, and protection of the public roads and bridges of St. Clair county, Alabama, and to provide for a special road tax therefor; also for the purchase of implements, teams and other things necessary in the construction, and improvement of the same; to pay for the same either out of the general fund for the county or the special road fund. Providing for the appointment by the commissioners' court of said county of a road superintendent or superintendents and surveyor, fixing their pay, defining their duties and conferring special powers on the commissioners' court of said county. Providing further the method of employing hands and how certain

parties may be required to take out a license for the use of said public roads, providing the method of appointing apportioners and overseers and defining their duties and how they may be excused from serving as such. Defining the road year and those liable to road duty, the time they may be required to work, prescribing the manner in which they may pay in lieu of work to the tax collector of said county, and his duty as to same, and the method of warning hands and defining those who are exempt from road duty.

H. 340. To amend sections four (4), twelve (12), thirteen (13), fourteen (14), twenty-one (21), and thirty-one (31), of an act to provide for the construction, repairing and maintaining the public roads and bridges in Talladega county, approved December 4th, 1900.

Cyrus B. Brown,  
Clerk.

#### SIGNING OF BILLS.

The President of the Senate in the presence of the Senate, immediately after their titles had been publicly read by the secretary, signed the above House bills, the titles of which are set out in the foregoing message from the House, the reading at length of said bills having been dispensed with, by a two-thirds vote of a quorum of the Senate present.

#### REPORT OF COMMITTEE ON ENROLLED BILLS.

Mr. Moody, from the committee on Enrolled Bills, made the following report:

Mr. President:

The committee on Enrolled Bills have examined and compared the following Senate bills:

S. 16. To fix and establish the maximum rates to be charged by railroads now operating or which may hereafter operate, as common carriers in whole or in part in the State of Alabama, for the transportation, originat-

ing and terminating within the State, of certain articles, and for this purpose to classify said articles and said railroads.

S. 100. To provide for the election of a solicitor for Mobile county.

S. 101. To provide for the compensation of the solicitor for Mobile county for the prosecution of criminal cases.

S. 157. To provide for the payment out of the State treasury of salaries of judges of law and equity courts, city courts and other courts of record of general common law, equity and criminal jurisdiction with jurisdiction of felonies, or either, by whatsoever name called now existing or that may hereafter be established by law, exercising jurisdiction over a single county having a population of not less than twenty thousand, and taxable property of not less than three million five hundred thousand dollars.

And find same correctly enrolled.

Feby. 20th, 1907.

Frank S. Moody,  
Chairman.

#### SIGNING OF BILLS.

The President of the Senate in the presence of the Senate, immediately after their titles had been publicly read at length by the secretary, signed the above Senate bills, the titles of which are set out in the foregoing report from the committee on Enrolled Bills, the reading at length of said bills having been dispensed with, by a two-thirds vote of a quorum of the Senate present.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has passed the following Senate bill:

S. 155. To amend an act entitled an act to amend section 3602 of the Code of Alabama, approved September 9th, 1903.

And sends same to the Senate herewith.

Cyrus B. Brown,  
Clerk.

## MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bills:

H. 324. To define and regulate negotiable instruments.

And sends the same to the Senate.

H. 543. To authorize cities of the State of Alabama to erect, enlarge, maintain and operate water-works systems and to provide the details of the same.

And sends the same to the Senate.

H. 685. To establish a law and equity court for Madison county.

And sends the same to the Senate, with notice and proof attached and herewith exhibited as follows:

Notice and Proof, H. 685.

The State of Alabama, }  
Madison County. }

Before me, W. F. Esslinger, a notary public in and for said county and State, this day personally appears Roy O'Neal, who being duly sworn, says that the following notice of intention to apply for local law, to-wit:

NOTICE OF INTENTION TO APPLY FOR LOCAL LAW.

Notice is hereby given that a bill will be introduced in the legislature of Alabama at its session beginning the second Tuesday in January, 1907, to be entitled an act to establish a law and equity court for Madison county, the substance of which is as follows:

An inferior court of law and equity is established for the county of Madison, to be called the law and equity court of Madison county.

The court and its judges have the jurisdiction and powers of circuit courts and judges and of chancery courts and chancellors. It has jurisdiction also of all causes that may be transferred to it from any other court of Madison county, and power to hear and determine the same and to issue and execute process therein.

The appointment by the governor of the judge, who must be a resident of the county, (to hold until the general election in 1910), and his subsequent election, are provided for; his salary is fixed at twenty-five hundred dollars per annum, payable out of the county treasury as a preferred claim; his term of office is six years and until his successor is elected or appointed and qualified; vacancies in the office of judge are filled by appointment of the governor, the appointee to hold until the next general election for circuit judges when his successor is elected for a full term of six years. Special judges and their compensation payable out of the county treasury, are provided for. A system of pleading, practice and procedure is provided for, and all rules of pleading, practice and proceeding of circuit courts, so far as practicable and not in conflict with any provision of the act, are adopted.

Juries and grand juries and their compensation are provided for the court, and all laws regulating or relating to jurors, juries and grand jurors and juries in circuit courts, are adopted, so far as practicable and **not in conflict with any provision of the act.** Sessions of grand juries are limited to two weeks each, unless the judge extends the session. Grand juries sit at the January and September terms. The judge may dispense with the summoning of a jury for any term or part of a term, and with the holding of any term or part of a term.

Terms are provided and the order of business thereat both at law and in equity; and special adjourned terms, and juries and grand juries and their powers for such terms.

Causes may be transferred by agreement of parties from this court to the chancery or circuit court, or vice versa.

All laws local or general regulating proceedings and practice in the circuit court of the county, and circuit courts generally, so far as practicable and not in conflict with any provisions of the act are adopted.

The supreme court has the same appellate jurisdiction over this court and its judges as over circuit courts and

judges, and chancery courts and chancellors, and causes are removable thereto from this court, as on appeal from circuit or chancery courts, and all laws, rules and regulations as to bills of exceptions and appeals, in appeals from circuit courts and courts of chancery apply. All laws of circuit courts as to appeals and trials of appeals from justices of the peace and notaries public in both civil and criminal cases, as far as practicable and not in conflict with any provision of the act, apply.

A system of pleading, practice and procedure in appeal cases from justices and notaries is provided. Prosecutions for misdemeanor may be instituted upon affidavit made before the judge, clerk or justice of the peace, wherein the offense is designated by name or by some phrase which in common parlance designates it, and are triable by the judge without a jury unless a jury is demanded. Accused parties may demand that the charge be investigated by a grand jury. Parties in jail or actual custody may demand and have an immediate trial by the judge without a jury. In all convictions for misdemeanor the sum of five dollars is taxed as part of the costs, in addition to the regular costs to be paid into the county treasury as part of the general fund. Prosecutions for felony may be instituted upon sworn complaint before the judge, clerk or justice of the peace. In all cases the party convicted, where the sentence is for two years, or less, must be sentenced to hard labor for the county, the costs of conviction to be first paid out of the hire of the convict, and the balance to be paid into the county treasury to the credit of the general fund. In convictions for misdemeanor, an additional sentence for costs may be imposed, as provided by statute, but not in convictions for felony. Jail sentences may also be imposed in proper cases. All laws of circuit courts relating to jurors and juries, arraignment and plea of defendant in capital cases, appointing counsel to defend, serving copy of venire and indictment, waiving venire, and relating to practice in such cases, apply so far as practicable and not in conflict with any provision of the act. All laws of circuit courts relating to bail apply.

Bailiffs and their pay are provided for. The supernumerary judge or any circuit judge may hold the court. One-half of all fines assessed against defendants on conviction shall be paid in money. The clerk of the circuit court becomes ex-officio clerk of the court. The register of the chancery court of the county is ex-officio register of the court. All laws, rules and regulations relating to the practice and procedure in court of chancery, apply as far as practicable and not in conflict with any provisions of the act.

Sheriffs discharge the same duties as to this court as in circuit courts, have the same powers, receive the same fees and emoluments, and are liable to the same pains and penalties. Attendance of witnesses and their pay are provided, and pains and penalties for default.

In suits for divorce, when decree pro confesso is taken, causes may be heard and determined in vacation. Change of venue is provided for.

Penalty for failure of judge to hold court is provided, and selection of a competent judge to act when judge is incompetent.

All laws of circuit courts as to indictments apply.

All laws, rules and regulations governing circuit courts and judges and chancery courts and chancellors apply to this court and the judges thereof, so far as practicable, and not in conflict with any provision of the act. Court meets not earlier than ten o'clock a. m. on the first day of the term. Judgments and decrees are beyond control of the court ten days after rendition. The issuance of executions is regulated.

The bill takes effect at once and court may be organized and transact business for the remainder of the unexpired term.

All conflicting laws are repealed.

Was published once a week for four consecutive weeks upon the following dates, to-wit: January 2, 9, 16 and 23rd, 1907, in the Evening Banner, a newspaper published in said county of Madison, and that affiant is the editor and publisher of said paper.

Roy O'Neal.

Sworn to and subscribed before me on this the 24th day of January, 1907.

W. F. Esslinger,  
Notary Public.



And has originated and passed the following bills and has ordered same sent forthwith to the Senate without engrossment:

H. 245. To provide for the better equipment and support of the University of Alabama, and to appropriate funds therefor.

And sends same herewith to the Senate.

H. 250. To aid and encourage technical education in the State of Alabama, in providing for the erection and equipment of buildings and increased facilities at the Alabama Polytechnic Institute.

And sends same herewith to the Senate.

H. 671. To make an appropriation to the Alabama Polytechnic Institute in lieu of the share of the proceeds arising from the sale of fertilizer tags now paid to the said institute.

And sends same herewith to the Senate.

H. 467. To provide for the maintenance of the "Alabama Girls' Industrial School" and the complete equipment of its class rooms, laboratories and work shops and to build and furnish additional buildings therefor.

And sends same herewith to the Senate.

Cyrus B. Brown,  
Clerk.

#### HOUSE MESSAGE.

The House bills in the foregoing House message were severally read once and referred to appropriate standing committees as follows:

H. 324, 543, to Judiciary.

H. 685, to Local Legislation.

H. 467, 245, 250, 671, to Finance and Taxation.

#### BILLS ON THIRD READING.

The bill:

S. 312. To provide for the appointment of an official stenographer for the city court of Montgomery, to prescribe his duties and to fix his compensation.

Was read a third time at length and passed.

Yeas, 28; nays, 0.

Yeas:

Messrs:

Barbour	Gunn	Leith	Overton
Blackmon	Hamburger	Lowe	Reese
Davis	Hamner	Lusk	Reid
Doster	Hayes	Merritt	Spragins
Forrester	Heacock	Miller	White
Gardner	Jones	Moody	Wilson
Glenn	King	McWhorter	Wimberly

—28.

The bill:

H. 648. For the relief of E. Pippin, a confederate pensioner of Clarke county, Alabama.

Was read a third time at length and passed.

Yeas, 25; nays, 0.

Yeas:

Messrs:

Barbour	Hayes	Merritt	Reynolds
Forrester	Heacock	Miller	Spragins
Gardner	Jones	McWhorter	Strother
Glenn	Leith	Overton	Thomas
Gunn	Lowe	Reese	White
Hamburger	Lusk	Reid	Wimberly
Hamner			

—25.

The bill:

S. 228. To make appropriation for the repair, building and maintenance of the confederate soldiers' home at Mountain Creek, Alabama.

Was taken up.

The following substitute offered by the committee, to-wit:

#### A BILL

To be entitled an act, to make an appropriation for the repair, building and maintenance of the confederate soldiers' home at Mountain Creek, Alabama.

Be it enacted by the Legislature of Alabama, That the following appropriations are hereby made out of the treasury of the State of Alabama out of funds in hand

not otherwise appropriated the following amount for the purposes named above:

1. For building eight servants' houses, \$2,000.00; for repairs and insurance on buildings, \$2,000.00; for the maintenance of inmates and the payment of cooks and other necessary labor per capita, \$150.00, per annum for each inmate in the home at the beginning of each quarter payable at the beginning of each quarter on the order of the executive committee of the board of control. For the payment of the salaries of the officers of the home as follows: Commandant per annum \$1,200.00; adjutant, \$600.00; resident physician, \$600.00; payable at the beginning of each quarter on the order of the executive committee. For payment to the inmates of the home the sum of one dollar per month each so long as they are inmates, payable at the beginning of each quarter on the order of the executive committee of the board of control.

Section 2. The auditor is hereby authorized to draw his warrant on the State treasurer in favor of the commandant and treasurer of the Soldiers' Home at Mountain Creek upon the certificate of the executive committee of the board of control of said soldiers' home for the amounts herein appropriated.

Was adopted.

Yeas, 28; nays, 0.

Yeas:

Messrs:

Barbour	Hamburger	King	Reese
Bayles	Hamner	Leith	Reid
Blackmon	Hayes	Lowe	Reynolds
Davis	Heacock	Merritt	White
Doster	Hinson	Miller	Wilson
Forrester	Horton	Moody	Wimberly
Gardner	Jones	McWhorter	

—28.

And said bill, as thus amended, was read a third time, at length, and passed.

Yeas, 30; nays, 0.

Yeas:

Messrs:

Barbour	Gunn	Leith	Overton
Bayles	Hamburger	Lowe	Reid
Blackmon	Hamner	Lusk	Reynolds
Davis	Hayes	Merritt	Thomas
Doster	Heacock	Miller	White
Forrester	Horton	Moody	Wilson
Gardner	Jones	McWhorter	Wimberly
Glenn	King		

—30.

The bill:

H. 363. To create the office of associate judge of the city court of Gadsden; to provide for the qualification, election and appointment of such judge; to fix the term of office; to define his powers and duties, and to provide for the payment of his salary.

Was taken up.

The following amendment offered by Mr. Gunn, to-wit:

Amend section 2 of House bill 363 by striking out the figures 1913 wherever they occur in said section and inserting in lieu thereof the figures 1911. Also amend section 2 of House bill 363 by striking out the figures "1912" where they occur in said section and insert in lieu thereof the figures "1910."

Was adopted.

Yeas, 27; nays, 0.

Yeas:

Messrs:

Davis	Heacock	Miller	Spragins
Forrester	Hinson	Moody	Strother
Gardner	Jones	McWhorter	Thomas
Gunn	King	Overton	White
Hamburger	Lowe	Reese	Wilson
Hamner	Lusk	Reid	Wimberly
Hayes	Merritt	Reynolds	

—27.

And said bill, as thus amended, was read a third time, at length, and passed.

Yeas, 30; nays, 0.

Yeas:

Messrs:

Barbour	Hamburger	Lusk	Reid
Blackmon	Hamner	Merritt	Reynolds
Davis	Hayes	Miller	Spragins
Doster	Heacock	Moody	Strother
Forrester	Hinson	McWhorter	Thomas
Gardner	Jones	Overton	White
Glenn	King	Reese	Wilson
Gunn	Leith		

—30.

The bill:

H. 620. To amend an act entitled "An act to amend section eleven of an act to declare the power and jurisdiction of the city court of Gadsden, in Etowah county, approved October the 1st, 1903.

Was taken up.

The following substitute offered by the committee, to-wit:

#### A BILL

To be entitled an act, to amend section eleven of an act to declare the powers and jurisdiction of the city court of Gadsden, in Etowah county, approved October 1st, 1903.

Be it enacted by the Legislature of Alabama, That an act entitled an act to amend section eleven of an act to declare the power and jurisdiction of the city court of Gadsden, in Etowah county, Alabama, approved October 1st, 1903, be and the same is hereby amended so as to read as follows:

Section 11. That the solicitor of said court to be appointed as now provided by law, that is to say by the governor of the State of Alabama, shall hold office until the first Tuesday after the first Monday in November, 1910, and until his successor shall be elected and qualified, and shall be styled the solicitor of the county of Etowah. That his successor in office shall be elected by the people of Etowah county by the qualified voters

thereof, in such manner and for such length of time as the laws of the State of Alabama prescribe for the election of circuit solicitors at the general election held for State and county officers in the year 1910, and every six years thereafter and said solicitor shall be charged with the performance of the same duties in the said city court and subject to the same liabilities and penalties in respect thereto as are by law imposed upon circuit solicitors in like cases in the circuit court of this State, such solicitor shall be a resident citizen of Etowah county and a qualified voter thereof. Said solicitor shall be charged with the duty of prosecuting criminal cases in the city court of Gadsden, and in the county court of Etowah county and shall be subject to the same liabilities and penalties in respect thereto as are now imposed by law upon solicitors for the circuit and county courts of the State, but he shall not be charged with the duties of the circuit solicitor of the circuit court of Etowah county but such duties shall be performed by the circuit solicitor of the circuit in which the county of Etowah is. On and after the 26th day February, 1907, all the fees earned by said solicitor shall be paid into the county treasury of Etowah county, and such solicitor shall thereafter receive for his compensation as such solicitor the sum of one hundred and fifty dollars per month, payable monthly out of the county treasury of Etowah county, on the 26th day of each month, upon the order of such solicitor and the said salary of said solicitor shall be a preferred claim against said county and receivable in payment of taxes due the same, and it shall be the duty of the commissioners' court of Etowah county, at its first session after the 26th day of February, 1907, or as soon thereafter as may be, set aside of the taxes of said county the sum of eighteen hundred dollars for the payment of the annual salary of the said solicitor and thereafter at its first session in each year, or as soon thereafter as may be set aside of the taxes of said county, the sum of eighteen hundred dollars for the payment of the salary of said solicitor, and should the commissioners fail to comply with this requirement they shall be deemed guilty of a misdemeanor and upon con-

viction shall be fined not more than five hundred dollars. Solicitor's fees in the said county of Gadsden, and in the county court of Etowah county, shall be the same as those prescribed by the Code for like convictions in the circuit courts of the State, and shall be paid in the same manner as fees are paid for convictions in the circuit court.

Within ten days after the expiration of each term of court of the city court of Gadsden, the clerk of said court shall make out a list of all the convictions secured during such term and the amount of the solicitor's fees in each case and deliver the same to the probate judge of Etowah county. Such clerk must also make out a list of all such fees collected by him during such term and deliver the same to said probate judge and pay over to the treasurer of said county the amount so collected, and for the collection and payment of said fees, he shall retain five per cent. of the amount so collected for his commission.

Was adopted.

Yeas, 29; nays, 0.

Messrs:

Yeas:

Barbour	Heacock	Merritt	Reynolds
Davis	Hinson	Miller	Spragins
Doster	Horton	Moody	Strother
Forrester	Jones	McWhorter	Thomas
Gardner	Leith	Overton	White
Gunn	Lowe	Reese	Wilson
Hamburger	Lusk	Reid	Wimberly.
Hamner			—29.

And said bill, as thus amended, was read a third time, at length and passed.

Yeas, 27; nays, 0.

Yeas:

Messrs:

Barbour	Hayes	Merritt	Spragins
Davis	Heacock	Miller	Strother
Forrester	Jones	Moody	Thomas
Gardner	King	McWhorter	White
Glenn	Leith	Overton	Wilson
Gunn	Lowe	Reese	Wimberly.
Hamner	Lusk	Reid	—27.

The bill :

S. 223. Making it a misdemeanor to sell, give away, or otherwise dispose of, in Mobile county, within three miles of section nine, township two, north, range one, east, spirituous, vinous or malt liquors or intoxicating bitters or beverages.

Was read a third time, at length, and passed.

Yeas, 29; nays, 0.

Yeas :

Messrs :

Barbour	Hamner	Merritt	Reynolds
Bayles	Hayes	Miller	Spragins
Davis	Jones	Moody	Strother
Doster	King	McWhorter	Thomas
Forrester	Leith	Overton	White
Gardner	Lowe	Reese	Wilson
Glenn	Lusk	Reid	Wimberly
Hamburger			

—29.

The bill :

H. 367. To require the tax assessor and tax collector of Franklin county, Alabama, to visit the voting places in each election precinct in Franklin county, Alabama, once each year, for the purpose of assessing and collecting taxes. That said tax assessor and collector shall each keep his office open at the court house of said county the entire month of December of each year.

Was read a third time at length and passed.

Yeas, 28; nays, 0.

Yeas :

Messrs :

Barbour	Gunn	Merritt	Reynolds
Bayles	Hamburger	Miller	Spragins
Davis	Heacock	Moody	Strother
Doster	Jones	McWhorter	Thomas
Forrester	King	Overton	White
Gardner	Leith	Reese	Wilson
Glenn	Lusk	Reid	Wimberly

—28.



The bill:

H. 290. To further regulate the sale, giving away or otherwise disposing of spirituous, vinous or malt liquors, intoxicating bitters or cordials or fruits preserved in alcoholic liquors in Fayette county, Alabama.

Was taken up.

The following amendment offered by Mr. Leith, to-wit:

"Amend H. B. 290 by striking out section four of said bill, and also to change the number of sections of said bill so they will appear uniform."

Was adopted.

Yeas, 26; nays, 0.

Yeas:

Messrs:

Barbour	Hayes	Lusk	Reid
Blackmon	Heacock	Merritt	Reynolds
Forrester	Hinson	Miller	Spragins
Gardner	Horton	McWhorter	Strother
Glenn	Jones	Overton	White
Gunn	Leith	Reese	Wilson
Hamner	Lowe		

—26.

And said bill, as thus amended, was read a third time, at length and passed.

Yeas, 25; nays, 0.

Yeas:

Messrs:

Barbour	Heacock	Miller	Reynolds
Blackmon	Jones	Moody	Spragins
Davis	Leith	McWhorter	Strother
Forrester	Lowe	Overton	Thomas
Gardner	Lusk	Reese	White
Gunn	Merritt	Reid	Wilson
Hamner			

—25.

The bill:

S. 241. To prevent the sale of intoxicating liquors

within certain limits in the corporate limits of the city of Talladega and to punish violations of the same.

Was read a third time at length and passed.

Yeas, 26; nays, 0.

Yeas:

Messrs:

Barbour	Hamner	Merritt	Reynolds
Davis	Hayes	Miller	Spragins
Doster	Heacock	Moody	Strother
Forrester	Hinson	McWhorter	Thomas
Gardner	Leith	Overton	White
Glenn	Lowe	Reid	Wilson
Gunn	Lusk		

—26.

The bill:

H. 106. To amend the caption or title, and section 4, of an act entitled an act to authorize the court of county revenues of Dallas county to buy mules, horses, road machines and tools for the purpose of working the public roads of Dallas county; to work the convicts of Dallas county on the public roads of said county, to employ laborers and superintendents to work, and supervise the working of the public roads of said county, to collect from persons subject to road duty, in lieu of work on said public roads, a sum of money not exceeding three dollars each per annum, and to provide for collecting the same; to buy for use on said public roads gravel, sand, chert and slag; to employ an engineer to grade said public roads; to fix the age of road duty from twenty-one years to sixty years; and to use such sums of money from the general fund of said county, for the purpose of working and improving said roads, as said court of county revenues may deem necessary, approved September 18, 1903 .

Was read a third time at length and passed.

Yeas, 29; nays, 0.

Yeas:

Messrs:

Barbour	Forrester	Hamburger	Heacock
Davis	Gardner	Hamner	Horton
Doster		Hayes	Jones

King	Miller	Reid	Thomas
Leith	McWhorter	Reynolds	White
Lowe	Overton	Spragins	Wilson
Lusk	Reese	Strother	Wimberly
Merritt			

—29.

The bill :

H. 541. To grant unto the register in chancery of the chancery court of Jefferson county the power to exercise and perform on any day in term time all the duties and functions conferred upon him by law, and on any day in term time to grant and enter decrees pro confesso and any and all other decrees and orders which a register in chancery may grant or enter.

Was read a third time, at length, and passed.

Yeas, 25; nays, 0.

Yeas :

Messrs :

Barbour	Gunn	Lusk	Reid
Blackmon	Hamner	Merritt	Reynolds
Davis	Heacock	Miller	Spragins
Doster	Jones	McWhorter	Strother
Forrester	Leith	Overton	White
Gardner	Lowe	Reese	Wilson
Glenn			

—25.

The bill :

H. 425. To amend section two of an act "To create a separate school district in Midway, Alabama, to define its boundaries and provide for the maintenance of schools therein.

Was read a third time, at length, and passed.

Yeas, 23; nays, 0.

Yeas :

Messrs :

Barbour	Jones	Miller	Reynolds
Blackmon	King	Moody	Spragins
Davis	Leith	McWhorter	Strother
Forrester	Lowe	Overton	White
Gunn	Lusk	Reese	Wilson
Hamner	Merritt	Reid	

—23.

The bill:

H. 569. To repeal an act entitled an act, to provide for the sale of liquors in the precinct of Mooresville, in Limestone county, Alabama, approved September 9, 1903.

Was read a third time, at length, and passed.

Yeas, 26; nays, 0.

Yeas:

Messrs:

Barbour	Hamner	Merritt	Reid
Bayles	Hayes	Miller	Reynolds
Blackmon	Heacock	Moody	Spragins
Davis	Jones	McWhorter	Strother
Forrester	Leith	Overton	White
Glenn	Lowe	Reese	Wilson
Hamburger	Lusk		

—26.

The bill:

H. 415. For the relief of William H. Clemmons, an ex-confederate soldier of the county of Tallapoosa, Alabama.

Was read a third time, at length, and passed.

Yeas, 21; nays, 0.

Yeas:

Messrs:

Barbour	Gunn	Merritt	Reynolds
Bayles	Hamner	McWhorter	Strother
Blackmon	Heacock	Overton	Thomas
Davis	Lowe	Reese	White
Forrester	Lusk	Reid	Wilson
Gardner			

—21.

The bill:

H. 286. To amend sections 2, 11, 15, 17, 19 and 26, and to repeal section 16 of an act entitled an act to provide for the better working of the public roads in Crenshaw county, Alabama, approved March 4, 1903.

Was read a third time, at length, and passed.

Yeas, 24; nays, 0.

Yeas:

Messrs:

Barbour	Hayes	Leith	Reid
Blackmon	Heacock	Lowe	Reynolds
Davis	Hinson	Lusk	Spragins
Forrester	Horton	Merritt	Strother
Gunn	Jones	McWhorter	White
Hamner	King	Overton	Wilson

—24.

The bill:

S. 264. To amend section 2 of an act entitled "an act to establish a charter for the town of Lineville, Clay county, Alabama," approved December 14th, 1898.

Was read a third time, at length, and passed.

Yeas, 25; nays, 0.

Yeas:

Messrs:

Barbour	Hayes	Merritt	Reynolds
Blackmon	Horton	Miller	Spragins
Davis	Jones	McWhorter	Strother
Forrester	Leith	Overton	Thomas
Glenn	Lowe	Reese	White
Gunn	Lusk	Reid	Wilson
Hamner			

—25.

The bill:

H. 174. To provide for the appointment by the court of county commissioners of Talladega county, Alabama, of an official stenographer for said county, to define his duties and provide for his compensation.

Was read a third time, at length, and passed.

Yeas, 27; nays, 0.

Yeas:

Messrs:

Barbour	Hamner	Lusk	Reynolds
Blackmon	Heacock	Merritt	Spragins
Davis	Hinson	Miller	Thomas
Forrester	Horton	McWhorter	White
Gardner	King	Overton	Wilson
Gunn	Leith	Reese	Wimberly
Hamburger	Lowe	Reid	

—27.

The bill:

H. 528. To repeal an act entitled an act to provide for the payment of fines and forfeitures in Tallapoosa county, Alabama, approved February 17, 1899.

Was read a third time, at length, and passed.

Yeas, 22; nays, 0.

Yeas:

Messrs:

Barbour	Hamner	Merritt	Reynolds
Blackmon	Heacock	Miller	Spragins
Davis	Jones	Overton	Strother
Forrester	Leith	Reese	White
Gunn	Lowe	Reid	Wilson
Hamburger	Lusk		

—22.

The bill:

H. 98. To repeal an act, to regulate the fine and forfeiture fund of Blount and Cullman counties, and to provide for the payment of State witnesses out of the same, approved February 8, 1901, and an amendment thereto entitled, an act, to repeal section 1 of an act to regulate the fine and forfeiture fund of Blount and Cullman counties, and to provide for the payment of State witnesses, approved February 8, 1901, and to amend sections three, ten and eleven of said act, so far as the same relates to Cullman county, approved September 22, 1903, so far as the same relates to Cullman county.

Was read a third time, at length, and passed.

Yeas, 23; nays, 0.

Yeas:

Messrs:

Barbour	Hamburger	Moody	Spragins
Blackmon	Hamner	McWhorter	Strother
Davis	Lowe	Overton	Thomas
Forrester	Lusk	Reese	White
Glenn	Merritt	Reid	Wilson
Gunn	Miller	Reynolds	

—23.

The bill:

H. 376. To amend an act entitled "An act to create a board of public works for Tuscaloosa county, Ala-

bama, and to define the powers and duties thereof" by adding thereto a section to be numbered section A, so as to make the members of the said board elective by the qualified electors of Tuscaloosa county at the general election in 1908, and at the general election every four years thereafter, and by adding a section to be numbered section 1B, providing that the members of said board heretofore appointed by the governor and holding office on the date of the approval of this act shall continue in office until the qualification of their successors elected at the general election in 1908.

Was read a third time, at length, and passed.

Yeas, 24; nays, 0.

Yeas:

Messrs:

Barbour	Gunn	Lowe	Reese
Blackmon	Hamburger	Lusk	Reynolds
Davis	Hamner	Merritt	Spragins
Forrester	Jones	Miller	Strother
Gardner	King	McWhorter	Thomas
Glenn	Leith	Overton	Wilson

—24.

The bill:

H. 79. To provide a better system of public roads for Blount county.

Was taken up.

And the following amendment offered by Mr. Wilson to said bill, to-wit:

Amend by changing the words "one superintendent" to "three superintendents," in line three of section 1.

Amend by changing the word "superintendent" to "superintendents" wher said word occurs in sections 2, 4, 9, 10, 11, 12.

Amend by changing the word "superintendent" to "superintendents" in line 2 section 15.

Amend by changing the word "his" to "their" where said word occurs in section 2.

Amend by changing the word "him" to "them" in section 12.

Amend by striking out all of section 7 and substitute the following for said section: All precinct superin-

tendents shall be exempt from road duty during the time they serve as superintendents.

Was adopted.

Yeas, 26; nays, 0.

Yeas:

Messrs:

Barbour	Hamner	Miller	Reynolds
Bayles	Heacock	Moody	Spragins
Blackmon	Jones	McWhorter	Strother
Forrester	King	Overton	Thomas
Glenn	Lowe	Reese	White
Gunn	Lusk	Reid	Wilson
Hamburger	Merritt		

—26.

And said bill, as thus amended, was read a third time, at length, and passed.

Yeas, 28; nays, 0.

Yeas:

Messrs:

Barbour	Hayes	Lusk	Reid
Davis	Heacock	Merritt	Reynolds
Forrester	Hinson	Miller	Spragins
Glenn	Horton	Moody	Strother
Gunn	King	McWhorter	Thomas
Hamburger	Leith	Overton	Wilson
Hamner	Lowe	Reese	Wimberly

—28.

The bill:

H. 374. For the improvement of the public roads of Tuscaloosa county.

Was read a third time, at length, and passed.

Yeas, 26; nays, 0.

Yeas:

Messrs:

Barbour	Hamburger	Lusk	Reid
Blackmon	Hamner	Merritt	Reynolds
Davis	Hayes	Miller	Spragins
Forrester	Heacock	Moody	Strother
Gardner	Jones	McWhorter	Thomas
Glenn	King	Overton	White
Gunn	Leith		

—26.



The bill:

S. 226. To make appropriation for the confederate soldiers' home at Mountain Creek, Alabama, and for other purposes.

Was taken up.

The following substitute offered by the committee, to-wit:

#### A BILL

To be entitled an act, to make an appropriation for the confederate soldiers' home at Mountain Creek, Alabama, and for other purposes.

Be it enacted by the Legislature of Alabama, That there is hereby appropriated out of the treasury of the State of Alabama out of the funds on hand not otherwise appropriated, the following amounts for the benefit of the confederate soldiers' home at Mountain Creek, Alabama:

1. For the payment of the indebtedness of the said confederate soldiers' home the sum of five thousand, three hundred and forty-nine dollars and fifty cents (\$5,349.50).

Section 2. The State auditor is hereby authorized to draw his warrant on the State treasurer in favor of the commandant and treasurer of the confederate soldiers' home at Mountain Creek, Alabama, upon the certificate of the executive committee of the board of control of said soldiers' home, for the sum of five thousand, three hundred and forty-nine dollars and fifty cents (\$5,349.50). And such sum shall be disbursed by said treasurer for the payment of such indebtedness under the control and supervision of said executive committee of said board of control.

Section 3. The said sum herein appropriated is hereby made available upon the passage of this act.

Was adopted.

Yeas, 29; nays, 0.

Yeas:

Messrs:

Barbour	Hamner	Lusk	Reynolds
Blackmon	Heacock	Merritt	Spragins
Davis	Horton	Miller	Strother
Doster	Jones	McWhorter	Thomas
Forrester	King	Overton	White
Gardner	Leith	Reese	Wilson
Glenn	Lowe	Reid	Wimberly
Gunn			

—29.

And said bill, as thus amended, was read a third time, at length, and passed.

Yeas, 24; nays, 0.

Yeas:

Messrs:

Barbour	Gunn	Merritt	Reynolds
Blackmon	Hamner	Miller	Spragins
Davis	Heacock	McWhorter	Thomas
Doster	Jones	Overton	White
Forrester	Leith	Reese	Wilson
Gardner	Lowe	Reid	Wimberly

—24.

#### REPORT FROM COMMITTEE ON RULES.

Mr. Gardner, from the committee on Rules, reported, favorably:

By Mr. Gunn:

S. R. 50. To make Senate bill 320 a special order for 5:30 p. m. today.

Also,

By Mr. Blackmon:

S. R. 51. To make Senate bill No. 150 a special order for Saturday, Feby. 23, 1907, at 11:30 o'clock p. m.

Both of which reports were adopted.

## SPECIAL ORDER SET.

On motion of Mr. Hayes,

S. 186. To further promote and secure the erection of cotton mills and factories in the State of Alabama.

Was made a special order for Saturday, February 23, 1907, at 11:30 o'clock a. m.

On motion of Mr. Reese,

H. 442. To amend section 4447 of the Code of 1896.

Was made a special order for Thursday, February 21, 1907, at 12:15 o'clock p. m.

## UNFINISHED BUSINESS.

The Senate then proceeded to again consider the unfinished business, which was:

H. 128. To prohibit, regulate and restrict the sale or other disposition of intoxicating liquors, drinks or beverages within the State of Alabama by providing for elections in the various counties of the State, to determine whether the sale of other disposition of such intoxicating liquors, drinks or beverages shall be so prohibited, regulated and restricted.

Mr. Wilson moved to table the amendment to said bill offered by Mr. Reynolds.

Which motion prevailed, and said amendment offered by Mr. Reynolds was laid on the table.

Mr. Merritt withdrew the amendment heretofore offered by him, and in lieu thereof offered the following amendment:

"Amend section 1 by striking out all of said section beginning with the words in line 9, 'but no election,' and insert in lieu thereof the following: 'But no election shall be called or held under the provisions of this act affecting any dispensary that has already been established before the expiration of two years from the approval of this act, and no election shall be called or held under the provisions of this act in or for any county in

which a dispensary may be established or may be authorized to be established for the sale of spirituous, vinous or malt liquors under the provisions of any act passed by the present session of the Legislature before the expiration of two years from the date of the approval of said act.''

Mr. Overton moved to lay said amendment on the table; which motion was lost.

Yeas, 14; nays, 15.

Yeas:

Messrs:

Davis	Gunn	Lusk	Reid
Doster	Heacock	McWhorter	Strother
Forrester	Leith	Overton	Wilson
Glenn	Lowe		

—14.

Nays:

Messrs:

Barbour	Hamner	Merritt	Reynolds
Bayles	Hayes	Miller	Spragins
Blackmon	Hinson	Moody	Thomas
Gardner	King	Reese	

—15.

And said amendment offered by Mr. Merritt was then adopted.

Yeas, 16; nays, 15.

Yeas:

Messrs:

Bayles	Hamner	King	Reese
Blackmon	Hayes	Merritt	Reynolds
Glenn	Hinson	Miller	Spragins
Hamburger	Jones	Moody	Thomas

—16.

Nays:

Messrs:

Barbour	Gardner	Lowe	Reid
Davis	Gunn	Lusk	Strother
Doster	Heacock	McWhorter	Wilson
Forrester	Leith	Overton	

—15.

Mr. Davis offered the following amendment:

Amend section 1 of the bill, by striking out all of that portion of section 1, beginning with the words "But no election" in thirteenth line of said section as printed, and ending with the word "dispensary" in 20th line of said section as printed.

Which on motion of Mr. Gardner was laid on the table.

Yeas, 18; nays, 13.

Yeas:

Messrs:

Bayles	Hamner	King	Reese
Blackmon	Hayes	Merritt	Spragins
Gardner	Heacock	Moody	Thomas
Glenn	Hinson	McWhorter	Wilson
Hamburger	Jones		

—18.

Nays:

Messrs:

Barbour	Gunn	Lusk	Reid
Davis	Leith	Miller	Reynolds
Doster	Lowe	Overton	Strother
Forrester			

—13.

Mr. Spragins moved to recommit said bill and amendments to the committee on Temperance.

Pending the consideration of this motion,

#### ADJOURNMENT.

At 6:30 o'clock on motion of Mr. Spragins the Senate adjourned until 10 o'clock tomorrow morning.

# TWENTY-NINTH DAY.

Thursday, February 21, 1907.

The Senate met pursuant to adjournment.

## PRAYER.

By Rev. S. R. Emerson, of Birmingham.

## ROLL CALL.

Mr. President, and  
Messrs:

Barbour	Hamner	Lusk	Reynolds
Blackmon	Hayes	Merritt	Spragins
Davis	Heacock	Miller	Strother
Doster	Hinson	Moody	Teasley
Forrester	Horton	McWhorter	Thomas
Gardner	Jones	Overton	White
Glenn	King	Reese	Wilson
Gunn	Leith	Reid	Wimberly.
Hamburger	Lowe		

—34.

## JOURNAL.

On motion of Mr. Barbour, the reading of the journal of yesterday was dispensed with and the same was approved.

## PRIVILEGES OF THE FLOOR.

The privileges of the floor were extended to Messrs: Asbury Thompson, Hill Ferguson, R. A. Mitchell, for today.

## ORDER TO PRINT.

On motion of Mr. Reese 500 copies of Senate bill, 347: S. 347. To establish and maintain a State sanitarium for consumption and tuberculosis and to provide for dis-

seminating information upon the nature, treatment and care of tubercular disease, and to make appropriations therefor.

Were ordered printed for the use of the Senate.

# INTRODUCTION OF BILLS.

On the call of the districts, bills were introduced, read one time and referred to appropriate standing committees, as follows:

By Mr. Wilson:

S. 349. To provide for the incorporation of Mutual Aid, Benefit and Industrial companies or Associations.  
Banking and Insurance.

By Mr. Wilson:

S. 350. To Incorporate Cleveland Male and Female Institute, and to give it certain powers and privileges.  
Education.

# NOTICE.

To whom it may concern:

Take notice that a bill will be introduced at the present session of the Legislature to charter Cleveland Institute, at Cleveland, Alabama, a high school, with all the powers and privileges accorded such schools.

# PROOF OF PUBLICATION.

The State of Alabama, }  
Blount County. }

Personally appeared F. G. Stephens before the undersigned authority and after being first duly sworn doth depose and say that he is the publisher of the Southern Democrat, a weekly newspaper published in Oneonta, in the county and State aforesaid, that notice of the intention to introduce, at the present session of the Legislature of the State of Alabama, a bill to charter Cleveland Institute, at Cleveland, Alabama, has been published in said paper for four consecutive weeks,

beginning on the 24th day of January, 1907, a copy of which said notice is hereto attached and made a part of this affidavit.

F. G. Stephens.

Sworn to and subscribed before me this February 16, 1907.

John F. Kelton,  
Judge of Probate.

By Mr. Bayles:

S. 351. To establish a normal school for education of white male and female teachers at Daphne, in Baldwin county, Alabama.

Finance and Taxation.

By Mr. Bayles:

S. 352. To authorize the commissioners court of Baldwin county to surrender and convey the county building and grounds at Daphne to the trustees of a normal school to be established in said county.

Education.

By Mr. Wimberly:

S. 353. To appropriate funds to be expended by the State Board of Health for the protection and promotion of the health of the people of the State.

Public Health.

By Mr. Wimberly:

S. 354. To regulate the practice of medicine in the State of Alabama.

Public Health.

By Mr. Gunn:

S. 355. To establish an immigration board for the State of Alabama, to define its duties, to appropriate money to pay the expenses for carrying out its provisions, to provide for the appointment of an immigration commissioner, to define his duties and to fix his compensation.

Finance and Taxation.

By Mr. Leith:

S. 356. To repeal an act entitled "An act in relation in trials of misdemeanors in Fayette county, Alabama." Approved December 13, 1900.

Local Legislation.



With notice and proof as follows:

The State of Alabama, }  
Fayette County. }

Before me Robert F. Peters, notary public and ex-officio justice of the peace, in and for said county and State, personally came R. J. Smith, who is personally known to me to be the publisher of the Fayette Banner who, being by me duly sworn, deposes and says, that the attached notice of the introduction of a bill in the legislature of Alabama, to repeal an act entitled "an act in relation to trials of misdemeanors in Fayette county, Alabama," approved December 13th, 1900, was published once a week for four consecutive weeks in said newspaper before making this affidavit on this day.

R. J. Smith,  
Publisher of Fayette Banner.

Sworn to and subscribed before me this January 28, 1907.

(SEAL.)

Robert F. Peters,  
N. P. & Ex-Officio, J. P.

#### NOTICE.

I hereby give notice of the intention to apply to the next ensuing session of the legislature of Alabama for the passage of the following law:

An act to repeal an act entitled "an act in relation to trials of misdemeanors in Fayette county, Alabama," approved December 13th, 1900. Section 1. Be it enacted by the legislature of Alabama, that the act entitled, an act in relation to trials of misdemeanors in Fayette county, Alabama. Approved December 13th, 1900, be and the same is hereby repealed.

Section 2. Be it further enacted that this act shall take effect immediately after its passage.

Mr. Teasley:.

S. 357. To fix the salary of the clerk of the adjutant general and to make an appropriation for the payment thereof.

Finance and Taxation.

By Mr. Miller:

S. 358. To provide for the extention of the corporate limits of cities and towns having one thousand inhabitants or more, and fixing the rights, powers, duties, liabilities and jurisdictions of the city or town over the territory brought into the corporate limits, and the right of the inhabitants thereof, and to provide for the apportionment between the city or town and county of the road and bridge tax collected by the county on the property within the city, and the expenditure of the funds by the city.

Municipalities and Municipal Organizations.

By Mr. Gardner:

S. 359. To authorize the institution of suits in equity, to abate and remove any structure which is now or may hereafter be erected upon any public highway, or street, in this State, whether the same be within or without the limits of any city, by any property owners, whose property abuts any such highway or street, and to provide for the execution of a bond to indemnify any person who may be injured by such suit, if unsuccessful.

Judiciary.

#### REPORT OF COMMITTEES.

Mr. Hamner, chairman of the standing committee on Banking and Insurance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report:

H. 167. To authorize the establishment of State depositaries for the State funds; to authorize State and county officers to deposit State funds therein; to provide for the regulation and control of such depositaries; to provide security for the funds deposited therein; and to provide penalties for the violation of the rules and regulations prescribed for the establishment, management and control of such institutions.

Special order 10:15 o'clock Saturday, February 23.

Mr. Merritt, chairman of the Standing Committee on Local Legislation, reported that said committee in session had acted on the following bills and ordered same returned to the Senate with a favorable report:

S. 334. To vacate and annul that part of Twenty-seventh street, in the city of Birmingham, Alabama, lying between First avenue, north, and Tenth avenue, north, in said city, as a public street or highway, and to annul and extinguish the dedication thereof.

Also,

S. 335. To vacate and annul the alleyways in blocks 204, 205 and 206; the east half of the alleyways in block 207, and the east half of the alleyways in block 203, in the city of Birmingham, Alabama; also all that part of Fourth avenue, north, lying between Twenty-sixth street, north, and Twenty-seventh street, north, in said city also all that part of Sixth avenue, north, extending from the boundary line between lots 18 and 19 in block 207 in said city (if projected across said avenue) to the western boundary line of Twenty-seventh street, also that part of Third avenue, in said city extending from the boundary line between lots 15 and 16 in block 204, in said city (if projected across said avenue) to the western boundary line of Twenty-seventh street.

Also,

S. 341. To amend sections five and fifteen of an act entitled an act to declare the powers and jurisdictions of the city court of Anniston, approved December 9th, 1896, and to amend section ten of an act approved March 4th, 1903, entitled an act to amend sections nine, ten and 16 of act to declare the powers and jurisdiction of the city court of Anniston, approved December 9th, 1896, and to amend section two of an act approved December 13th, 1900, entitled an act to amend sections four and eleven of an act entitled an act to declare the powers and jurisdiction of the city court of Anniston, approved December 9th, 1906.

Also,

S. 342. To regulate the practice in the circuit court of Calhoun county.

Also,

H. 685. To establish a law and equity court of Madison county.

Also,

S. 327. To amend section 7 of an act entitled an act to amend an act to regulate the trials of misdemeanors in Bibb county, approved December 14th, 1894.

Mr. Reynolds, chairman of the standing committee on Education, reported said committee, in session, had acted on the following bills and ordered the same returned to the Senate with favorable report:

Also,

S. 321. To amend section 3700 of the Code of Alabama of 1896, as amended by an act of the Legislature of Alabama, approved February 12th, 1903.

Mr. Overton, chairman of the standing committee on Commerce and Common Carriers, reported that said committee, in session, had acted on the following bills and ordered same returned to Senate with a favorable report with amendment.

S. 330. To regulate charges on excess baggage on all railroads propelled by steam or electricity in this State over five miles in length.

Also,

S. 331. To require and authorize the railroad commission to prescribe rules, regulations and requirements for the issuance and use of interchangeable excess baggage tickets and coupon tickets on and over lines of transportation of railroad common carriers of passengers in this State, and punish any violation of such orders, rules, regulations and requirements.

S. 343. To require and regulate the giving of bills of lading or receipts for property received by any company common carrier railroad or transportation company for transportation, originating and terminating within this State, and to fix the liability of the initial carrier for any loss, injury or damage to such property, and prohibit the limitation of such liability by contract.

Mr. Wilson, chairman standing committee on Mining and Manufactories, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report:

Also,

H. 345. To limit the number of constables, bailiffs, and deputies who shall be paid out of the county treasury of Walker county, Alabama, for services in waiting upon and attending the regular, special or adjourned terms of the Walker county law and equity court and the circuit court of Walker county, Alabama.

Mr. Miller, chairman of the standing committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report:

H. 245. To provide for the better equipment and support of the University of Alabama, and to appropriate funds therefor.

Also, with amendment,

S. 346. To amend an act to amend an act to amend section 4457 of the code of 1896, approved March 5th, 1901.

Also,

H. 250. To aid and encourage technical education in the State of Alabama, in providing for the erection and equipment of buildings and increased facilities at the Alabama Polytechnic Institute.

Also,

H. 467. To provide for the maintenance of the "Alabama Girls' Industrial School" and the complete equipment of its class rooms, laboratories and work shops and to build and furnish additional buildings therefor.

Also,

H. 671. To make an appropriation to the Alabama Polytechnic Institute in lieu of the share of the proceeds arising from the sale of fertilizer tags now paid to the said institution.

The foregoing bills contained in said committee reports were severally read a second time and placed on the calendar.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bills and has ordered same sent forthwith to the Senate without engrossment:

H. 178. To make appropriation for buildings, machinery and other necessary improvements at the Alabama Industrial School for White Boys.

And sends same herewith to the Senate.

H. 179. To make appropriation for the maintenance of the Alabama Industrial School for White Boys for the years 1907, 1908, 1909 and 1910.

And sends same herewith to the Senate. And has concurred in the Senate amendments to the House bills:

H. 620. To amend an act entitled "An act to amend section eleven of an act to declare the power and jurisdiction of the city court of Gadsden, in Etowah county, approved October the 1st, 1903.

H. 79. To provide a better system of public roads for Blount county.

H. 363. To create the office of associate judge of the city court of Gadsden, to provide for the qualification, election and appointment of such judge; to fix the term of office; to define his powers and duties and to provide for the payment of his salary.

H. 290. To further regulate the sale, giving away or otherwise disposing of spirituous, vinous or malt liquors, intoxicating bitters, or cordials or fruits preserved in alcoholic liquors in Fayette county, Alabama.

Cyrus B. Brown, Clerk.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has adopted the following Joint Resolutions:

H. J. R. 147. Resolved by the House, the Senate concurring that the House and Senate convene in joint session in the Hall of the House of Representatives at 12

o'clock to-day, for the purpose of electing a State Game and Fish Commissioner as provided for by law:

Resolved further, that the clerk of the House and the secretary of the Senate be and they are hereby requested to officially inform the secretary of State of the result of the election had in said joint session and to notify him of the name of the person elected State Game and Fish Commissioner.

By Mr. Carmichael, of Colbert:

H. J. R. 148. Be it resolved by the House of Representatives, the Senate concurring, that the Legislature of Alabama adjourn on Saturday the second day of March, 1907, for a recess, and that it reconvene in Tuesday the 9th day of July, 1907, at 10 o'clock a. m.

Cyrus B. Brown, Clerk.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has amended as therein shown and as amended has passed the following Senate bill:

S. 176. To divide Montgomery county into three revenue districts, make the members of the board of revenue elective by districts, fix their term of office, prescribe their qualifications, to provide for the appointment of members of said board until the next general election; to prescribe the method of filling vacancies; provide a clerk for said board, fix his salary and prescribe his duties.

And returns same herewith to the Senate.

Cyrus B. Brown, Clerk.

#### HOUSE MESSAGES.

The House bills in the foregoing House message were severally read once and referred to appropriate standing committees as follows:

H. 178 and 179 to Finance and Taxation.

And the Senate concurred in the House Joint Resolutions, 147 and 148 as set out in above message.

And the Senate concurred in the House amendments to Senate bill 176, the title to which it set out in the above and foregoing House message. Said amendment being as follows: Amend section eight of Senate bill 176, by striking out the word "fifteen" at the end of the second line of said section by inserting the word eighteen in lieu thereof.

Yeas, 24; nays, 0.

Yeas:

Messrs:

Barbour	Hamburger	Leith	Reid
Davis	Hamner	Lowe	Strother
Doster	Hayes	Lusk	Thomas
Forrester	Heacock	Merritt	White
Gardner	Jones	Miller	Wilson
Glenn	King	Overton	Wimberly
Gunn			

—24.

#### TO TAKE FROM ADVERSE REPORT.

Pursuant to the notice heretofore given Mr. Hinson made a motion to take from the adverse calendar and place it upon a second reading, Senate bill 110.

S. 110. To regulate the carrying and the use of fire-arms.

Which motion was carried.

Yeas, 22; nays, 6.

Yeas:

Messrs:

Barbour	Gunn	King	Overton
Bayles	Hayes	Merritt	Reynolds
Blackmon	Heacock	Miller	White
Davis	Hinson	Moody	Wilson
Doster	Horton	McWhorter	Wimberly
Forrester	Jones		

—22.

Nays:

Messrs:

Leith	Lusk	Spragins	Strother
Lowe	Reid		

—6.



And on motion of Mr. Hinson, one thousand copies of said bill together with the proposed amendments were ordered printed for the use of the Senate.

REPORT FROM COMMITTEE ON ENGROSSED BILLS.

Mr. Spragins, from the committee on Engrossed Bills, made the following report:

"The committee on Engrossed Bills report that they have examined Senate bill No. 17 and compared it with the original bill and found it to be correctly engrossed.

Robt. E. Spragins, Chairman.

February 21st, 1907.

MESSAGE FROM THE HOUSE.

Mr. President:

The Speaker of the House, having signed the following House bills, your signature thereto is requested:

H. 339. To provide for the better working and maintaining of the public roads in Sumter county.

H. 523. To amend section 2 of an act to establish a State Normal School for the education of white male and female teachers and students at Livingston in Sumter county.

H. 264. To authorize and require the probate judge of St. Clair county to hold regular terms of the probate court at Pell City, and such adjourned, called or special terms as may be necessary, and to declare the powers and jurisdiction of said court holden at said place; to authorize the probate judge of said county to perform other official acts at Pell City, and to keep books and records of his office at said place, and to authorize the employment of a sworn and bonded clerk, who shall keep charge of the office in the absence of the probate judge, and who may discharge all duties imposed by law on the clerks of probate judges in this State.

H. 420. To provide for the creation of the office of county Auditor of Walker county, Alabama, to define the powers, and duties thereof, to provide for his com-

pensation, to fix his term of office, and prescribe the manner of his appointment and election.

H. 76. To regulate the trials and proceedings in criminal cases for the violation of the special or local prohibition law for Bibb county.

H. 418. To fix, provide for, and regulate the pay of State witnesses before the grand juries and circuit and county courts of Tuscaloosa county.

H. 498. To prohibit the sale, barter, exchange, giving away, lending, delivering or otherwise disposing of spirituous or malt liquors, intoxicating beverages, bitters or proprietary medicines in Lamar county, Alabama, and to prohibit the shipping into said county, by any common carrier, and the bringing into said county by any person for the use of any other person than himself, any such spirituous, vinous or malt liquors intoxicating beverages, or intoxicating bitters, or intoxicating proprietary medicines, from any place within this State, and to prohibit the procuring for another, or the taking or soliciting or receiving of orders for spirituous vinous or malt liquors, intoxicating beverages, intoxicating bitters, or intoxicating proprietary medicines in said county, and to prohibit the giving of orders for spirituous, vinous, or malt liquors, intoxicating beverages, or intoxicating proprietary medicines in said county and to prohibit the giving of orders for spirituous, vinous or malt liquors, intoxicating beverages, or intoxicating bitters, or intoxicating proprietary medicines by any person in said county over any telegraph or telephone line, and to prohibit the receiving or sending by any telegraph or telephone company in said county of any order for spirituous, vinous or malt liquors, intoxicating beverages, intoxicating bitters, or intoxicating proprietary medicines, to any point within this State, and to provide penalties for all such prohibited acts, and to repeal all laws in conflict herewith.

H. 158. To provide for and regulate the mode of selecting, drawing and empanelling grand and petit jurors for the county of Mobile.

## SIGNING OF BILLS.

The President of the Senate, in the presence of the Senate, immediately after their titles had been publicly read at length by the secretary, signed the above House bills, the titles of which are set out in the foregoing message from the House. The reading at length of said bills having been dispensed with by a two-thirds vote of a quorum of the Senate present.

## MESSAGE FROM THE HOUSE.

Mr. President:

The House has adopted the following House Joint Resolution:

H. J. R. 149. Be it resolved by the legislature of Alabama, that a joint convention of the Senate and House of Representatives be held in the Hall of the House at noon on Monday February 25th, 1907, to elect an associate judge of the city court of Gadsden.

Cyrus B. Brown, Clerk.

## HOUSE MESSAGE.

The Senate concurred in the House Joint Resolution relative to the convening of the two Houses on Monday February 25th, 1907, for the purpose of electing an associate judge of the city court of Gadsden.

## SPECIAL ORDER SET.

On motion of Mr. Hamner,

H. 167. To authorize the establishment of State depositories for the State funds; to authorize State and county officers to deposit State funds therein; to provide for the regulation and control of such depositories; to provide security for the funds deposited therein; and to provide penalties for the violation of the rules and regulations prescribed for the establishment, management and control of such institutions.

Was made a special order for Saturday, February 23, 1907, at 10:15 o'clock, a. m.

On motion of Mr. Lusk the following bills were made special orders for Saturday, February 23, 1907, at 10:30 o'clock, a. m.

S. 216. To provide for the assessment and collection of privilege taxes against express companies.

S. 217. To provide for the assessment and collection of privilege taxes against sleeping car companies.

S. 310. Conferring on railroads operating in the State of Alabama, the right to acquire lands for depots, freight yards, and team tracks by condemnation proceedings, in the mode prescribed by law, after application for permission to bring such condemnation proceedings has first been submitted to and approved by the railroad commission of Alabama.

S. 240. To provide for the legal enforcement in the courts of this State of any liability incurred in another State which is the subject of legal enforcement in such other State.

S. 242. To provide for the disposition and distribution, and manner of distribution, of the proceeds, when collected, of any bond, payable to the State of Alabama, given by any railroad company or other common carrier to have annulled, suspended or enjoined, any rate or rates established or prescribed for the transportation of freight or property.

H. 25. To define corrupt solicitation of Legislators and provide adequate punishment therefor, and the means to effectually enforce this act.

S. 343. To require and regulate the giving of bills of lading or receipts for property received by any common carrier, railroad or transportation company for transportation, originating and terminating within this State, and to fix the liability of the initial carrier for any loss, injury or damage to such property, and prohibit the limitation of such liability by contract.

SPECIAL ORDER SET.

On motion of Mr. Miller,

H. 423. To appropriate annually sixty-seven thousand dollars (\$67,000) or so much thereof as is necessary.

ry to aid, rural school districts in the State, to erect or to repair public school houses.

And,

H. 468. To provide for the payment of interest on the fund in the State treasury, the proceeds of lands sold by the "Alabama Girls' Industrial School."

Were made paramount, continuing special order for 12:45 o'clock to day.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bill, and has ordered same sent forthwith to the Senate without engrossment:

H. 372. To authorize cities, towns, and other municipal corporations to make certain improvements on the sidewalks, streets, avenues, alleys, highways or other public places of such city, town, or other municipal corporation; to construct sewers; to assess the cost of such improvements, or any part thereof, upon the property abutting such street, avenue, alley, highway, or other public place or drained by such sewers, or against the right of way of any railroad so improved or drained by such sewers; to make such assessments a lien on such property, and to regulate appeals from such assessments; to provide methods for the enforcement of such lien, and the payment of such assessment and penalties; and to authorize the issue of bonds to pay for such improvements.

And sends same herewith to the Senate.

Cyrus B. Brown, Clerk.

And has originated and passed the following bills:

H. 233. To appropriate the sum of \$40,000.00 to the Alabama Schools for Deaf and Blind.

H. 323. To provide necessary funds for maintenance, repairs, improvements, apparatus and additions to the Medical College of Alabama.

And sends same to the Senate.

H. 616. To appropriate one-third of the net proceeds of the dispensaries operated in Houston county, Alabama, to the public schools of said county, and to provide for the collection and disbursement of the same.

And sends same to the Senate.

With notice and proof attached and exhibited herewith as follows:

#### NOTICE.

Notice is hereby given that an application will be made to the next Legislature of Alabama for the passage of the following law:

“An act to appropriate one-third of the net proceeds of the dispensaries operated in Houston county, Alabama, to the public schools of said county, and to provide for the collection and the disbursement of the same.

Section 1. Be it enacted by the Legislature of Alabama, That after the passage of this act, one-third of the net proceeds of each dispensary run or operated in Houston county, Alabama, be, and the same is hereby appropriated to the public school fund of said county.

Section 2. That each dispensary run or operated in said county shall keep a set of books, showing the quantity of goods purchased by said dispensaries and the prices paid for the same, the quantity of goods sold, and the price received for same, and the entire expense of running and operating said dispensaries.

Section 3. That the superintendent of education of said county shall have the right at any time to inspect and examine the books provided for in section 2 of this act, to see that they are properly kept, and to ascertain what the net proceeds of each dispensary are.

Section 4. That each dispensary so run or operated is required to file with the superintendent of education of said county, a statement semi-annually, on the 1st days of January and July of each year, showing the receipts and disbursements and the expenses of running

said dispensaries during the time covered by said statement, and to pay over to the superintendent of education of said county, on the 5th day of January and July of each year, one-third of the net proceeds arising from the running and operating of the dispensaries during the last preceding six months or fractional parts thereof, provided said dispensaries have not been run for a period of six months next preceding the said 5th days of January and July.

Section 5. That if the said county of Houston, or any incorporated town thereof, if either shall run or operate a dispensary, and fail by the 5th day of January and July of each year, as provided for in section four of this act, to pay over to the superintendent of education of said county, one-third of the net proceeds arising from the running or operating of said dispensaries, the superintendent of education of said county is authorized to sue said county or such incorporated town in his name, as superintendent of education for said county, for the recovery of said proceeds; and whatever money is recovered by such suit shall belong to the public school fund of Houston county, Alabama.

Section 6. That the county board of education shall disburse said fund arising from the running or operating of said dispensaries, and paid over to the superintendent of education of Houston county, Alabama, as it is now required to disburse the general school fund apportioned by the State of Alabama to said county.

Section 7. That the superintendent of education for Houston county, Alabama, shall be entitled to receive four per cent. commission on all of said funds arising from the running or operating of said dispensaries that is disbursed by the county board of education, paid out by him.

H. H. Metcalf.

The State of Alabama, }  
County of Houston. }

Before me, Nannie McAliley, a notary public in and for said county, personally came William F. Ussery, known to me to be the editor and manager of Wire-Grass Siftings, a newspaper published in said county,

who, being duly sworn, says that he is the editor and manager of Wire-Grass Siftings, a weekly newspaper, published at Dothan in said State and county, and that the attached notice was published once a week for four successive weeks in said newspaper, before the making of this affidavit.

W. F. Ussery.

Sworn to and subscribed before me, this the 4th day of February, 1907.

Nannie McAliley,  
Notary Public.

H. 617. To provide for the establishment of dispensaries in Houston county, Alabama.

And sends the same to the Senate with notice and proof attached and exhibited herewith as follows:

#### NOTICE.

Notice is hereby given that an application will be made to the next Legislature of Alabama for the passage of the following law:

#### AN ACT.

An act to provide for the establishment of dispensaries in Houston county, Alabama.

Section 1. Be it enacted by the Legislature of Alabama, That after the passage of this act, that no dispensary can be established by any incorporated town in Houston county, Alabama, until the question of dispensary and no dispensary has been voted on by the qualified electors residing within the corporate limits of said town.

Section 2. That at said election all persons, and no others, shall be entitled to vote on the question of dispensaries and no dispensaries, who are legally qualified voters under the laws of Alabama, on the day the election is held.

Section 3. That any three qualified electors residing within the limits of any incorporated town can file with the mayor or intendent of said town, a petition signed



by themselves, asking the mayor to call an election for the purpose of determining whether or not said town shall run or operate a dispensary therein, under the general dispensary law of the State of Alabama.

Section 4. That upon the filing of said petition, it shall be the duty of the mayor, within five days after the filing of such petition, to call an election to be held not less than ten days from the date of said call, and said mayor shall give notice of the holding of said election by posting three written notices, stating the time, place and purpose of holding said election, in three public places in said town, said notice to be posted, at least, five days before the holding of said election.

Section 5. It shall be the duty of the mayor and council or board of aldermen of said town, to appoint three managers to hold said election, and one of said managers, if there be such in town, shall be in favor of a dispensary, and one, if there be such in said town, shall be opposed to said dispensary, and said managers shall have the power to select clerks for the holding of said election. The mayor and aldermen, or councilmen, shall provide tickets to be used for the holding of said election, on which shall be printed, "For Dispensary" and "Against Dispensary," and any qualified elector who votes at said election, who desires to vote for a dispensary, shall manifest his choice by making a cross mark opposite the words, and on the left hand side thereof "For Dispensary" printed on said ticket; and any qualified elector who desires to vote against the establishment of a dispensary, shall manifest his choice by making a cross mark opposite the words, and on the left hand side thereof, "Against Dispensary," printed on said ticket.

Section 6. That said mayor and aldermen or councilmen shall provide suitable boxes or booths in which the ballots that are cast at said election, shall be placed, which shall be in accordance with the general laws of the State with reference to booths and boxes at State and county elections.

Section 7. That the polls shall be opened and closed at the hours required by the State law for State and county elections.

Section 8. That when the polls at said election are closed the managers shall proceed to count the votes cast, and if it shall appear that a majority of the voters voting at said election shall have voted for a dispensary, then the managers of said election shall so certify to the mayor and aldermen or councilmen of said town, and if it shall appear that a majority of said voters voted against the establishment of a dispensary, said managers shall so certify to said mayor and aldermen or councilmen of said town.

Section 9. If the managers of said election shall certify to the mayor and aldermen or councilmen of said town that a majority of the voters therein have voted for a dispensary, then said town can proceed to establish and operate a dispensary under the general dispensary laws of the State, but if the managers of said election shall certify to the mayor and aldermen or councilmen that a majority of the voters at said election voted against the dispensary then said town shall not operate or establish a dispensary.

Section 10. That elections to establish dispensaries under this act shall not be held oftener than once a year.

Section 11. That this act shall not apply to towns that are running or operating dispensaries in any form at the time of its passage.

Section 12. This act shall become effective immediately upon its passage.

5t w.

H. H. Metcalf.

The State of Alabama, }  
County of Houston. }

Before me, Nannie McAliley, a notary public in and for said county, personally came William F. Ussery, known to me to be the editor and manager of Wire-Grass Siftings, a newspaper published in said county, who, being duly sworn, says that he is the editor and manager of Wire-Grass Siftings, a weekly newspaper published at Dothan in said State and county, and that the attached notice was published once a week for four successive weeks in said newspaper, before the making of this affidavit.

W. F. Ussery.

Sworn to and subscribed before me, this the 4th day  
of February, 1907.

Nannie McAliley,  
Notary Public.

H. 717. To require the sheriff of Hale county to procure from the office of the United States Internal Revenue Collector for the State of Alabama, a list of the persons, firms or corporations in Hale county to whom a license has been issued for the sale of spirituous, vinous or malt liquors, and to publish same in some newspaper published in said county.

And sends the same to the Senate, with notice and proof attached as follows:

Notice and Proof. H. 717.

NOTICE.

Notice is hereby given that a bill will be introduced in the next Legislature in substance as follows, to-wit:

A bill to be entitled "An act to require the sheriff of Hale county to procure from the office of the United States Internal Revenue Collector for the State of Alabama, a list of the persons, firms or corporations in Hale county to whom a license has been issued for the sale of spirituous, vinous or malt liquors, and to publish same in some newspaper published in said county."

Sec. 1. Be it enacted by the Legislature of Alabama:

That the sheriff of Hale county shall, between the 1st and 15th day of January and July of each year, procure from the office of the United States Revenue Collector for the State of Alabama, the name and place of business of each person, firm or corporation to whom a United States license has been issued to sell spirituous, vinous or malt liquors in the county of Hale during the preceding twelve months, and shall immediately thereafter cause to be published for three weeks in some newspaper published in said county, the name and

place of business of each of said persons, firms or corporations.

Sec. 2. Be it further enacted, That for said services the sheriff shall receive twenty-five dollars per annum, and the expenses and cost of obtaining said list to be paid out of the general fund of the county of Hale, and the cost of publishing said list to be paid out of the general fund of said county.

Sec. 3. Be it further enacted, That if the sheriff of said county of Hale fails or refuses to comply with the provisions of this act, he shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding \$500.00, and may be sentenced to hard labor for the county for not exceeding six months.

The State of Alabama, }  
Hale County. }

Before me, Cad Garrett, circuit clerk in and for said State and county, personally appeared Wm. E. W. Yerby, known to me to be the editor and publisher of The Greensboro Watchman, a newspaper published at Greensboro, Hale county, Ala., who being by me first duly sworn deposes and says that the hereto annexed notice of intention to introduce a bill in the Legislature relative to the procuring of the names of those to whom United States license to sell liquor is issued, was published in The Greensboro Watchman for four successive weeks beginning on the 3d day of January, 1907.

Wm. E. W. Yerby.

Sworn to and subscribed before me this 11th day of February, 1907.

Cad Garrett,  
Circuit Clerk, in and for Hale County, Ala.

H. 726. To fix the salary of the judge of the city court of Montgomery.

And sends the same to the Senate, with notice and proof attached and exhibited herewith as follows:

The State of Alabama, }  
 Montgomery County. }

Before me, Henry N. Hughes, clerk of the city court of Montgomery, a court of record, in and for said State and county, personally appeared R. H. Hart, who, being by me first duly sworn upon oath doth depose and say that he is the manager of The Montgomery Times, a daily newspaper published in Montgomery county, Alabama, and that a notice in words and figures as follows, to-wit:

NOTICE.

A bill will be introduced at the next session of the Legislature fixing the salary of the judge of the city court of Montgomery at \$3,600 per annum, payable in monthly installments.

Was published in said The Montgomery Times once a week for four consecutive weeks beginning December 17th, 1907.  
 R. H. Hart.

Sworn to and subscribed before me this 13th day of February, 1907.  
 H. N. Hughes,  
 Clerk of the City Court of Montgomery.

H. 727. To provide for the appointment of an official stenographer for the city court of Montgomery, to prescribe his duties and to fix his compensation.

And sends the same to the Senate, with notice and proof attached and exhibited herewith as follows:

NOTICE.

Notice is hereby given that a bill will be introduced and its passage sought at the present session of the Legislature of Alabama to provide an official stenographer for the city court of Montgomery, to prescribe his duties and to fix his compensation.  
 Jan. 25 0a w 3w

The State of Alabama, }  
 Montgomery County. }

Before me, Porter McKay, a notary public, personally appeared Horace Hood, who being duly sworn, de-

poses and says that he is the editor of the Montgomery Journal, a newspaper published in the city and county of Montgomery, State of Alabama, and that the above and foregoing notice was published in said Montgomery Journal for four consecutive weeks, the first insertion being had on the 25th day of January, A. D., 1907.

Horace Hood.

Sworn to and subscribed before me this 13 day of February, A. D., 1907.

Porter McKay,

Notary Public, Montgomery Co., Ala.

H. 85. To constitute a board of jury commissioners for Choctaw county.

And sends the same to the Senate, with notice and proof attached, and exhibited herewith as follows:

The State of Alabama, }  
Choctaw County. }

Personally appeared before me, Chas. E. McCall, judge of the probate court, in and for said county and State, W. L. Gray, who is known to me, and known to me to be the editor and publisher of the Choctaw Advocate, a newspaper published at Butler in said county, who being sworn by me, deposes and says, as follows: That notice of a proposed bill or act, entitled, an act to constitute a board of jury commissioners for Choctaw county, was published in said newspaper once a week for four consecutive weeks next before the 8th day of January, 1907, and that notice hereto attached is a true and exact copy of said notice as the same was published in said newspaper.

W. L. Gray,

Editor and Publisher Choctaw Advocate.

Sworn to and subscribed before me, this the — day of January, 1907.

Chas. E. McCall,

Probate Judge.

The following is a copy of a local bill that will be introduced in the next Legislature:

## AN ACT

To Constitute a Board of Jury Commissioners for Choctaw county.

Section 1. Be it enacted by the General Assembly of Alabama, That the probate judge, sheriff and clerk of the circuit court, be and are hereby constituted a board of jury commissioners for Choctaw county, and shall perform all and singular duties now required by law of the court of county commissioners with the reference of drawing of juries, grand and petit, for the county of Choctaw.

Sec. 2.. Be it further enacted, That all laws and parts of laws in conflict with this act, be and the same are hereby repealed.

H. 370. To amend section one of an act entitled an act, to amend the act "to incorporate the city of Tuscaloosa," approved March 12th, 1873; by amending section one of said act, so as to extend the boundary lines of said city, approved February 20th, 1889, so as to fix, define, and enlarge the boundaries of said city of Tuscaloosa.

And sends the same to the Senate, with notice and proof attached and exhibited herewith as follows:

## NOTICE.

Notice is hereby given that application will be made to the next Legislature of the State of Alabama, which convenes on January 8th, 1907, for the passage by said Legislature of a local law, amending the present charter of the city of Tuscaloosa, so as to fix, define and enlarge the boundaries of the said city as the same are set out, defined and fixed in the following bill, to-wit:

## A BILL

To be entitled an act to amend section one of an act, entitled an act, to amend the act "to incorporate the city of Tuscaloosa," approved March 12th, 1873, by amending section one of said act, so as to

extend the boundary lines of said city," approved February 20th, 1899,—so as to fix, define and enlarge the boundaries of said city of Tuscaloosa.

Section 1. Be it enacted by the General Assembly of Alabama, That an act entitled "an act to amend the act to incorporate the city of Tuscaloosa, approved March 12th, 1873, by amending section 1 of said act so as to extend the boundary lines of said city, approved February 20th, 1889, be amended by amending section one of said act, so as to read as follows:

Section 1. Be it enacted by the General Assembly of Alabama. That all that tract of land, in Tuscaloosa county, Alabama, included within the following boundaries, shall constitute and be designated and known as the city of Tuscaloosa, viz.: Beginning at a point on the lower water line of the north bank of the Warrior river, opposite the north end of west 17th street, as the same is plotted and laid out in the survey and map of the Tuscaloosa Coal, Iron and Land Company—run thence across the river and along the western margin of said west 17th street to the south margin of south 8th avenue,—thence east along the margin of said south 8th avenue to the east margin of east 3rd street,—thence north along the east margin of east 3rd street, a distance of three blocks, more or less, to the south margin of east south 5th avenue, at the northeast corner of lot of 491,—thence east along the south margin of said avenue a distance of three blocks, more or less, to the east margin of east 6th street, thence north along the east margin of east 6th street to the north margin of north 6th avenue,—thence west along the north margin of north 6th avenue to the east margin of 10th avenue,—thence north along the east margin of 10th avenue parallel with the west boundary lines of sections twenty-three and fourteen to the lower water line on the north bank of the Warrior river,—thence west along the low water line on the north bank of said Wrarior river to the point of beginning,—(all the streets, avenues, lots and blocks herein referred to, being as laid off and designated in the map and survey of the Tuscaloosa Coal, Iron and Land Company).



The State of Alabama, }  
 Tuscaloosa County. }

Before me, Robinson Brown, a notary public in and for said State and county, personally appeared John Wills, to me well known, who, being by me first duly sworn, doth depose and say that he is one of the publishers of the Tuscaloosa Times-Gazette, which is a newspaper published in the city of Tuscaloosa, county of Tuscaloosa, and State of Alabama; that the notice of the intention to apply to the Legislature of Alabama which convene on January 8, 1907, for the passage by said Legislature of a local law, amending the present charter of the city of Tuscaloosa, so as to fix, define and enlarge the boundaries of the said city (printed copy of which notice in full is hereto attached) has been published in full as shown by said attached printed copy once a week for four consecutive weeks in said Tuscaloosa Times-Gazette, the same being published in each of the issues of said paper of the dates of December 30, 1906, January 6, 1907, January 13, 1907, and January 20, 1907.

John Wills.

Sworn and subscribed before me this the 21st day of January, 1907.

Robinson Brown,  
 Notary Public.

H. 658. To provide for the payment by Cullman county of one-half the costs of construction of the Albritton bridge over the Mulberry river which was constructed by Blount county and has since been acquired in part by Cullman county by a change of the boundary lines between the counties of Cullman and Blount.

And sends the same to the Senate, with notice and proof attached and exhibited herewith as follows:

#### NOTICE.

The following bill will be introduced at the next session of the Legislature of Alabama:

## A BILL

To be entitled an act act to provide for the payment by Cullman county of one-half of the cost of construction of the Albritton bridge over the Mulberry river which was constructed by Blount county and has since been acquired in part by Cullman county by the change of the boundary lines between the counties of Cullman and Blount.

Section 1. Be it enacted by the Legislature of Alabama, That the county of Cullman is liable for, and is required to pay to the county of Blount one-half of the cost of construction of the Albritton bridge over the Mulberry river, which said bridge was acquired in part by the county of Cullman by virtue of the act of the Legislature of March 5, 1901, (Local Acts 1900-01, page 2051), changing the boundary lines between the counties of Cullman and Blount.

Section 2 That the court of county commissioners of Blount county, as soon as is practicable after the passage of this act shall ascertain as near as may be, the amount of one-half of the cost of constructing the Albritton bridge and shall certify a statement of the amount so ascertained to the court of county commissioners of Cullman county; and the court of county commissioners of Cullman county must then issue a certificate of indebtedness for such certified amount in favor of the county of Blount which shall be paid by the county of Cullman as now provided by law for the payment of county dues.

Sec. 3. That any county commissioner or other officer who fails or refuses to perform the duties required of him under the provisions of this act shall be liable to a penalty of five thousand dollars to be recovered in a civil action against him at the suit of Blount county.

Sec. 4. That the county of Blount may maintain all proper actions in any of the courts of this State against the county of Cullman or against the county officers of Cullman county, necessary or proper to enforce the provisions of the act.

The State of Alabama, }  
Blount County. }

Personally appeared before the undersigned authority F. G. Stephens, who being by me duly sworn, doth depose and say that he is the publisher of the Southern Democrat, a weekly newspaper published at Oneonta in said county, and that notice of the intention to introduce at this session of the Legislature of Alabama a bill to be entitled an act to provide for the payment by Cullman county of one-half of the cost of the construction of the Allbritton bridge over the Mulberry river, which was constructed by Blount county and has since been acquired in part by Cullman county by the change of the boundary lines between the counties of Cullman and Blount, has been published in said paper for four consecutive issues thereof, beginning on Jan. 3rd, 1907, a copy of said notice being hereto attached.

F. G. Stephens.

Sworn to and subscribed before me this Jan. 29th, 1907.

John F. Kelton,  
Judge of Probate.

NOTICE.

Notice is hereby given that the following bill will be introduced at the next session of the Legislature of Alabama:

A bill to be entitled an act to provide for the payment by Cullman county of one-half of the cost of construction of the Allbritton bridge over the Mulberry river, which was constructed by Blount county and has since been acquired in part by Cullman county by change of the boundary line between the counties of Cullman and Blount.

Be it enacted by the Legislature of Alabama:

1. That the county of Cullman is liable for and is required to pay to the county of Blount one-half of the cost of construction of the Allbritton bridge over the Mulberry river, which said bridge was acquired in part by the county of Cullman by virtue of the act of the

Legislature of March 5th, 1901, (Local Acts 1901, page 2051, changing the boundary lines between the counties of Cullman and Blount).

2. That the court of county commissioners of Blount county, as soon as it is practicable after the passage of this act, shall ascertain as near as may be the amount of one-half the cost of construction of the Allbritton bridge and shall certify statement of the amount so ascertained to the court of county commissioners of Cullman county, who must then issue a certificate of indebtedness for such certified amount in favor of the county of Blount which shall be paid by the county of Cullman as now provided by law for the payment of county dues.

Sec. 3. That any county commissioner or other officer who fails or refuses to perform the duties required of him under the provisions of this act shall be liable to a penalty of five thousand dollars (\$5,000.00) to be recovered in a civil action against him at the suit of Blount county.

Sec. 4. That the county of Blount may maintain all proper action in any of the courts of this State against the county of Cullman or against the county officers of Cullman county necessary or proper to enforce the provisions of this act.

The State of Alabama, }  
Cullman County. }

I, J. W. Hewlett, one of the editors and proprietors of The Cullman Tribune, a weekly newspaper published at Cullman, Cullman county, Alabama, do hereby certify that the legal notice, a copy of which is hereto attached, was published in said newspaper for four consecutive weeks, and that the first insertion was made on Dec. 28th, 1906.

J. W. Hewlett, Editor.

Sworn and subscribed to before me at my office at Cullman, in Cullman county, Alabama, this 29th day of January, 1907.

R. I. Burke,  
Judge of Probate.

Cyrus B. Brown, Clerk.

HOUSE MESSAGES.

The House bills in the foregoing House messages were severally read once and referred to appropriate standing committees as follows:

- H. 233, 323, 616, to Finance and Taxation.
- H. 372, 726, 727, 85, 370 to Local Legislation.
- H. 617, 717, To Temperance.
- H. 658 to Judiciary.

REPORT FROM COMMITTEE ON ENROLLED BILLS.

Mr. President:

The committee on Enrolled Bills have examined and compared the following Senate bills:

S. 128. To confer jurisdiction of all misdemeanors on the county court of Clarke county, and to define the jurisdiction of said court, to regulate the practice therein, to provide for a judge, solicitor and clerk of said court and to fix their compensation.

S. 155. To amend an act entitled an act to amend section 3602 of the Code of Alabama, approved September 9th, 1903.

Mr. White:

S. 247. To provide for the holding of a term of the circuit court of the Fifth Judicial circuit at Goodwater, in Coosa county, and to regulate the same.

And find same correctly enrolled.

Frank S. Moody,  
Chairman.

SIGNING OF BILLS.

The President of the Senate in the presence of the Senate, immediately after their titles had been publicly read by the secretary, signed the above Senate bills, the titles of which are set out in the foregoing report from the committee on Enrolled Bills, the reading at length of said bills having been dispensed with, by a two-thirds vote of a quorum of the Senate present.

## UNFINISHED BUSINESS.

The Senate proceeded to the consideration of the unfinished business from yesterday, which was the bill:

H. 128. To prohibit, regulate and restrict the sale or other disposition of intoxicating liquors, drinks or beverages within the State of Alabama by providing for elections in the various counties of the State to determine whether the sale or other disposition of such intoxicating liquors, drinks or beverages shall be so prohibited, regulated and restricted.

Mr. Spragins withdrew his motion to recommit the bill to the committee on Temperance.

Mr. Reid offered the following amendment to the bill:

Amend section 14 by adding thereto: "Provided subsequent elections may be held under the provisions of this act. And if at any subsequent election held in such county a majority of the votes cast are 'for the sale of liquors' then on and after the first day of January next succeeding such election, intoxicating liquors may be sold in such county, as the same was authorized to be sold at the time of the approval of this act."

Which was adopted.

Yeas, 34; nays, 0.

Yeas:

Messrs:

Barbour	Hamner	Lusk	Reynolds
Bayles	Hayes	Merritt	Spragins
Blackmon	Heacock	Miller	Strother
Davis	Hinson	Moody	Teasley
Doster	Horton	McWhorter	Thomas
Forrester	Jones	Overton	White
Gardner	King	Reese	Wilson
Glenn	Leith	Reid	Wimberly.
Gunn	Lowe		

—34.

Mr. Moody offered the following amendment, to-wit:

Amend section 15 so as to read as follows:

Section 15. If a majority of the legal votes cast at any election held in any county under the provisions

of this act, shall be “for the sale of liquors” or “for the sale of liquors in dispensaries,” as provided in section 6 of this act, then the sale of liquors shall not be affected by such election.

Which was adopted.

Yeas, 19; nays, 9.

Yeas:

Messrs:

Bayles	Glenn	Leith	Reese
Blackmon	Hayes	Merritt	Spragins
Davis	Horton	Miller	Teasley
Doster	Jones	Moody	Wimberly
Forrester	King	McWhorter	

—19.

Nays:

Messrs:

Barbour	Lusk	Reid	Strother
Gardner	Overton	Thomas	Wilson
Gunn			

—9.

Mr. Miller offered the following amendment, to-wit:

Amend section 14 as now amended by adding next after the words “for the sale of liquors” where they occur therein the words “or for the sale of liquors in dispensaries.”

Mr. Barbour made a motion to lay Mr. Miller’s amendment on the table, which motion was lost. Said amendment was then adopted.

Yeas, 22; nays, 9.

Yeas:

Messrs:

Bayles	Hinson	Merritt	Reynolds
Blackmon	Horton	Miller	Spragins
Glenn	Jones	Moody	Teasley
Hamburger	King	McWhorter	Thomas
Hayes	Lowe	Reese	Wimberly.
Heacock	Lusk		

—22.

Nays:

Messrs:

Barbour	Gunn	Overton	Strother
Doster	Leith	Reid	Wilson
Gardner			

—9.

Pending the further consideration of said bill,

#### JOINT CONVENTION.

The hour of twelve o'clock having arrived, and pursuant to a House joint resolution heretofore concurred in, the Senate met with the House in the Hall of the House of Representatives to elect by joint ballot a State Game and Fish Commissioner.

The joint convention was called to order by the President of the Senate, who directed the secretary of the Senate to call the roll of the Senate. The following Senators answered to their names, being a majority of the Senate of Alabama, viz.:

Messrs:

Barbour	Gunn	Leith	Reynolds
Bayles	Hamner	Low	Spragins
Blackmon	Hayes	Lusk	Strother
Davis	Heacock	Merritt	Teasley
Doster	Hinson	McWhorter	Thomas
Forrester	Horton	Overton	White
Gardner	Jones	Reese	Wilson
Glenn	King	Reid	Wimberly

—32.

The Speaker of the House directed the clerk of the House to call the roll of the House, and the following members answered to their names, being a majority of the House of Representatives of Alabama, viz.:

Messrs:

Speaker	Avery	Benners
Alford	Ballard (Autauga)	Bloch
Armstrong	Ballard (Pike)	Brown
Arnold	Baltzell	Bulger
Arrington	Barton	Burney



Cannon	King	Pratt
Carmichael (Clay)	Lacy (Dallas)	Pugh
Carmichael, (Colbert)	Lacy, (Walker)	Ragsdale
Coleman, (Lowndes)	Lee (Etowah)	Rainer
Coleman (Marshall)	Lee (Houston)	Rattray
Cooper	Lindsey	Rice
Cranford	Long (Butler)	Rushton
Doyle (Clark)	Long (Morgan)	Sample
Dudley	Lovelady	Sanders
Edwards	Lyons	Sanford
Elrod	Malone	Seale
Foster	Maner	Sherrod
Fuller	Mitchell	Smith (Elmore)
Glover	Moore	Smith (Lee)
Goodwyn	McCrary	Smith (Etowah)
Gunter	McDuffie	Smith (Franklin)
Haley	McMillan	Steagall
Henley	Parker	Urquhart
Hoffman	Peete	Vann
Hughston	Pitts, (Dallas)	Weaver
Jenkins	Pitts (Perry)	White (Lamar)
John	Powell (Bullock)	White (Perry)
Johnson	Powell (Covington)	Williams
Killen	Power	Woolf

—87.

The President of the Senate announced that there being a quorum of the Legislature of Alabama present the joint convention was ready to proceed with the election of the State Game and Fish Commissioner, and that nominations are in order.

Senator Reese nominated Hon. John H. Wallace, of Madison county, for State Game and Fish Commissioner.

Those who voted for Mr. Wallace of the Senate are:  
Messrs:

Barbour	Forrester	Hayes	King
Bayles	Gardner	Heacock	Leith
Blackmon	Glenn	Hinson	Lowe
Davis	Gunn	Horton	Lusk
Doster	Hamner	Jones	Merritt

Miller	Reese	Strother	White
Moody	Reid	Teasley	Wilson
McWhorter	Reynolds	Thomas	Wimberly.
Overton	Spragins		

—34.

And of the House:

Messrs:

Speaker	Goodwyn	Pitts (Dallas)
Alford	Gunter	Pitts (Perry)
Armstrong	Haley	Powell (Bullock)
Arnold	Henley	Powell (Covington)
Arrington	Hoffman	Power
Avery	Hughston	Pratt
Ballard (Autauga)	Jenkins	Pugh
Ballard (Pike)	John	Ragsdale
Baltzell	Johnson	Rainer
Barton	Killen	Rattray
Benners	King	Rice
Bloch	Lacy (Dallas)	Rushton
Brown	Lacy (Walker)	Sample
Bulger	Lee, (Etowah)	Sanders
Burney	Lee (Houston)	Sanford
Cannon	Lindsey	Seale
Carmichael (Clay)	Long, (Butler)	Sherrod
Carmichael, (Colbert)	Long (Morgan)	Smith (Elmore)
Coleman, (Lowndes)	Lovelady	Smith (Lee)
Coleman, (Marshal)	Lyons	Smith (Etowah)
Cooper	Malone	Smith (Franklin)
Cranford	Maner	Steagall
Doyle (Clark)	Mitchell	Urquhart
Dudley	Moore	Vann
Edwards	McCrory	Weaver
Elrod	McDuffie	White (Lamar)
Foster	McMillan	White (Perry)
Fuller	Parker	Williams
Glover	Peete	Woolf

—87.

The President of the Senate then proclaimed that Hon. John H. Wallace, having received 121 votes, a

majority of all the votes cast, was duly and constitutionally elected State Game and Fish Commissioner for the term prescribed by law.

The President of the Senate then announced that the purpose of the joint convention having been accomplished the same was dissolved, and the Senate returned to its chamber.

And resumed consideration of the bill:

H. 128. To prohibit, regulate and restrict the sale or other disposition of intoxicating liquors, drinks or beverages within the State of Alabama, by providing for elections in the various counties of the State, to determine whether the sale or other disposition of such intoxicating liquors, drinks or beverages shall be so prohibited, regulated and restricted.

Mr. Miller offered the following amendment to the bill to-wit:

Amend section 1 by adding at the end thereof the following:

Provided that in counties containing a city or cities of twenty thousand inhabitants or more, each of said cities shall separately constitute an election district, and the portion of such county not within the corporate limits of such city or cities shall constitute an election district, and elections may be called and held in each of such election districts under the same conditions and provisions as herein contained for holding elections in counties not containing a city or cities of twenty thousand or more inhabitants.

Which on motion of Mr. Lusk was laid on the table.

Mr. Reese offered the following amendment to-wit:

Amend by adding section 20.

Section 20. That in all counties wherein there is a city of more than 12,000 inhabitants such city shall be a unit and all of the provisions of this act relative to counties shall apply to such city; and the county outside of such cities of more than 12,000 inhabitants shall constitute the unit, and the provisions of this act relating to counties shall apply to such unit.

Which on motion of Mr. Gardner was laid on the table.

Mr. Spragins withdrew his motion to recommit the bill to the committee, and the bill as amended, Was read a third time at length and passed.

Yeas, 29; nays, 1.

Yeas:

Messrs:

Barbour	Hamner	Lusk	Reid
Blackmon	Hayes	Merritt	Spragins
Davis	Heacock	Miller	Strother
Doster	Jones	Moody	Thomas
Forrester	King	McWhorter	White
Gardner	Leith	Overton	Wilson
Glenn	Lowe	Reese	Wimberly
Gunn			—29.

Nays: Mr. Bayles—1.

The hour of 1 o'clock having arrived the Senate, on motion of Mr. Blackmon, took a recess until 3 o'clock this afternoon.

#### AFTERNOON SESSION.

The Senate re-assembled at 3 o'clock p. m.

#### ROLL CALL.

On a call of the roll a quorum was present.

#### PRIVILEGES OF THE FLOOR.

Privileges of the floor were extended to Messrs. O. Kyle and W. C. Cunningham for today.

#### REPORT OF SPECIAL COMMITTEE ON SOLDIER'S HOME.

The following report was filed by the committee heretofore appointed to investigate the condition at the Old Soldiers' Home at Mountain Creek, and the same was ordered spread upon the Journal, to wit:

To the President of the Senate and the Speaker of the House of the Legislature of Alabama:

Your committee, appointed to visit "The Confederate Soldier's Home of Alabama," located at Mountain Creek, Alabama, beg leave to report that on Friday, February 8th, 1907, they visited said Home, but regret to say only two members of the committee, viz.: H. A. Killen and George P. White, from the House, attended. They were accompanied by Ben P. Hunt, clerk of the House committee on Immigration and Labor; Mr. C. L. Ruth, of Montgomery, a member of the executive committee of said home, and Mesdames F. H. Elmore, chairman, W. A. Gayle, John A. Kirkpatrick and Miss Addie Beaumont, as a committee of the hospital relief, soldier's home, who make a statement touching the soldiers' home hospital, which is herewith attached and is made a part of this report.

Your committee was cordially received and gladly welcomed by the sixty old soldiers, Commandant J. M. Simpson and Col. J. M. Faulkner of the executive committee of the home. In addition to the main auditorium building, a beautiful structure, there are ten cottage homes on the grounds, with capacity for eighty old soldiers. Also a hospital building which has seven occupants. In all the buildings are closets and bath tubs supplied by the water works on the grounds. The rooms of the occupants are all comfortably equipped. With each cottage is a cook and dining room. The principal complaint your committee heard from some of the old soldiers was that the diet was not varied enough and indifferently prepared at times. But these conditions are more or less unavoidable. We recommend that the commander furnish the inmates with all the postage stamps free that they need for their correspondence.

But your committee begs to call especial attention to the report of the hospital relief committee herewith attached. The hospital is where a great and pressingly urgent need exists, and should have prompt attention.

Your committee must commend the dairy department with its cows that give the home all the milk and butter needed. Also the poultry department which is a great

help in supplying the home with most of the eggs consumed. These departments are looked after and attended to by two of the old soldiers in the home who take much pride in their useful work.

Your committee and attendants were entertained at dinner by Col. J. M. Faulkner at his lovely home who did much to make the day a most pleasant and interesting one for all.

H. A. Killen,  
George P. White.

The Soldiers' Home Hospital committee of the Alabama division of the Daughters of the Confederacy recommend that three persons be added to the salaried list of officers as named by the board of control of the Confederate Soldiers' Home.

1st. A matron, who must be a trained nurse whose salary should be forty (\$40.00) dollars per month, this matron to have general supervision of all the sick in the home.

2nd. Two orderlies, one for day nursing and one for night nursing, salary twenty-five (\$25.00) dollars per month each.

Mrs. F. H. Elmore, Ch'rman.

Mrs. William A. Gayle,

Mrs. John A. Kirkpatrick,

Mrs. Addie Beaumont,

Committee on Hospital Relief Soldiers' Home.

#### REPORT OF COMMITTEE ON BOYS' INDUSTRIAL SCHOOL.

Mr. Wilson, from the special committee on the Boys' Industrial School reported as follows:

The joint committee of the House and Senate appointed to visit the Boys' Industrial School, near East Lake, visited that Institution on Friday, February 15th, This Institution is located one mile northeast of East Lake. We made a careful inspection of the two buildings and find them neatly kept but in need of repairs. We visited the various Industrial Departments and found them doing very efficient work. We visited the

school department and were informed that each boy was taught about six hours every day during the year. The Institution has a very efficient band of twenty-five instruments or more and the boys show considerable talent for music. The farm consists of one hundred and thirty-six acres and seems to be in good state of cultivation. The Institution has in it now one hundred and twenty-one boys and we were particularly impressed that they were controlled by kindness instead of harsh or severe means. We consider this Institution well managed and one of which the State should be proud. We were informed that there were a number of applicants who could not be received for want of room. We were convinced of the fact that the State needs just such an Institution for its wayward boys and in our judgment the legislature would make no mistake in appropriating the amount asked for in the bill now pending in this House for this Institution.

John F. Wilson,  
H. S. Doster,  
McCrory,  
Jones,  
Rowe.

Which was ordered spread upon the Journal.

#### REPORT FROM COMMITTEE ON ENGROSSED BILLS.

Mr. Spragins, from the committee on Engrossed Bills reported as follows:

The committee on Engrossed Bills report that they have examined Senate bills numbered 30, 223, 226, 241, 264, and compared them with the original bills respectively and found them to be correct.

February 21, 1907.

Robt. E. Spragins, Chairman.

## SPECIAL ORDER SET.

On motion of Mr. Glenn,

S. 172. To provide for the erection of a monument to Alabama's Confederate dead who are buried in Stonewall Cemetery at Winchester, Virginia.

Was made a special order for Tuesday, February 26, 1907, at 12 o'clock, m.

On motion of Mr. Mody,

S. 187. To make an appropriation for the marking and caring for the graves of the Confederate soldiers in the State of Ohio.

Was made a special order for Wednesday, February 27, 1907, at 12:30 o'clock.

## MESSAGE FROM THE HOUSE.

Mr. President:

The Speaker of the House having signed the following House bills your signature thereto is requested.

H. 98. To repeal an act, to regulate the fine and forfeiture fund of Blount and Cullman counties, and to provide for the payment of State witnesses out of the same, approved February 8th, 1901, and an amendment thereto, entitled "An act to repeal section 1 of an act to regulate the fine and forfeiture fund of Blount and Cullman counties and to provide for the payment of State witnesses, approved Feb. 8th, 1901, and to amend section three, ten and eleven of said act, so far as the same relates to Cullman county, approved September 22, 1903, so far as the same relates to Cullman county.

H. 648. For the relief of E. Pippin, a confederate pensioner of Clark county, Alabama.

H. 415. For the relief of William H. Clemmons, an ex-Confederate soldier of the county of Tallapoosa Alabama.

H. 528. To repeal an act entitled an act to provide for the payment of fines and forfeitures in Tallapoosa county, Alabama, approved February 17, 1899.

H. 367. To require the tax assessor and tax collector of Franklin county, Alabama, to visit the voting places



in each election precinct in Franklin county, Alabama, once each year, for the purpose of assessing and collecting taxes. That said tax assessor and collector shall each keep his office open at the court house of said county the entire month of December of each year.

H. 569. To repeal an act entitled an act, to provide for the sale of liquors in the precinct of Mooresville, in Limestone county, Alabama, approved September 9, 1903.

H. 286. To amend sections 2, 11, 15, 17, 19 and 26, and to repeal section 16 of an act entitled an act to provide for the better working of the public roads in Crenshaw county, Alabama, approved March 4, 1903.

H. 541. To grant into the register in chancery of the chancery court of Jefferson county the power to exercise and perform on any day in term time all the duties and functions conferred upon him by law, and on any day in term time to grant and enter decrees pro confesso and any and all other decrees and orders which a register in chancery may grant or enter.

H. 512. To establish the Morgan county law and equity court; to create and define its jurisdiction; to provide its officers, their powers, duties and compensation; to fix the terms of said court and to prescribe rules of practice and procedure for said court.

H. 620. To amend an act entitled an act to amend section eleven of an act to declare the powers and jurisdiction of the city court of Gadsden, in Etowah county, approved October 1st, 1903.

H. 376. To amend an act entitled an act to create a board of public works for Tuscaloosa county, Alabama, and to define the powers and duties thereof by adding thereto a section to be numbered section A. so as to make the members of the said board elective by the qualified electors of Tuscaloosa county at the general election in 1908 and at the general election every four years thereafter, and by adding a section to be numbered section 1 B. providing that the members of said board heretofore appointed by the governor and holding office on the date of the approval of this act shall continue in office until the qualifications of their successors elected at the general election in 1908.

H. 363. To create the office of associate judge of the city court of Gadsden, to provide for the qualification, election and appointment of such judge; to fix the term of office; to define his powers and duties and to provide for the payment of his salary.

H. 411. To prohibit the selling, giving away, or otherwise disposing of spirituous, vinous and malt liquors, and other intoxicating liquors in Pike county, otherwise than by dispensaries in the cities of Troy and Brundidge, to provide for and make efficient such dispensaries, and to prescribe penalties for the violation of this act.

H. 410. To prevent the selling, giving away, or otherwise disposing of spirituous, vinous and malt liquors and other intoxicating liquors in Pike county, otherwise than by dispensaries in the cities of Troy and Brundidge. To provide for and make efficient such dispensaries and to prescribe penalties for the violations of this act.

H. 425. To amend sections one and two of an act "to create a separate school district in Midway, Alabama; to define its boundaries and provide for the maintenance of schools therein."

Cyrus B. Brown, Clerk.

#### SIGNING OF BILLS.

The President of the Senate, in the presence of the Senate, immediately after their titles had been publicly read at length by the secretary, signed the above House bills, the titles of which are set out in the foregoing message from the House. The reading at length of said bills having been dispensed with by a two-thirds vote of a quorum of the Senate present.

#### REPORT FROM COMMITTEE ON ENGROSSED BILLS.

Mr. Spragins, from Committee on Engrossed Bills reported as follows:

The Committee on Engrossed Bills report that they have examined Senate bills numbered 142, 228, and

compared them with the original bills respectively, and found to be correct.

Robt. E. Spragins, Chairman.

#### BILLS ON THIRD READING.

The Bill:

S. 328. To re-arrange and extend the corporate limits of the town of Linden, Marengo county, Alabama.

Was read a third time at length and passed.

Yeas, 22; nays, 0.

Yeas:

Messrs:

Barbour	Hayes	Merritt	Teasley
Davis	Hinson	Moody	Thomas
Doster	Jones	Reid	White
Forrester	King .	Reynolds	Wilson
Gunn	Leith	Strother	Wimberly
Hamner	Lowe		

—22.

The Bill:

H. 115. To prohibit the sale, giving away delivering or otherwise disposing of spirituous vinous or malt liquors intoxicating bitters or cordials or fruits preserved in alcoholic liquors or other intoxicants in Fayette county, Alabama, if a majority of the votes cast in the election herein provided be in favor of prohibition to provide for the holding of said election and to further regulate the handling ordering or other disposition of spirituous vinous or malt liquors or other intoxicants in said county.

Was read a third time at length and passed.

Yeas, 23; nays, 0.

Yeas:

Messrs:

Barbour	Hinson	Miller	Teasley
Davis	Jones	Overton	Thomas
Forrester	King	Reese	White
Hamner	Leith	Reid	Wilson
Hayes	Lowe	Reynolds	Wimberly
Heacock	Merritt	Spragins	

—23.

## The Bill:

H. 599. To provide for the holding of sessions of the court of county commissioners, for Coffee county, at Enterprise, Alabama, and to regulate the same.

Was read a third time at length and passed.

Yeas, 23; nays, 0.

Yeas:

Messrs:

Barbour	Hinson	McWhorter	Feasley
Davis	King	Overton	Thomas
Doster	Lowe	Reid	White
Forrester	Lusk	Reynolds	Wilson
Gardner	Merritt	Spragins	Wimberly.
Hamner	Moody	Strother	

--23.

## The Bill:

H. 598. To provide for holding separate terms of the chancery court of Coffee county in the eleventh district of the southeastern chancery division of the State of Alabama, at Enterprise, Alabama, and to regulate the holding of such court, to provide accommodations and equipment therefor, making its jurisdiction and powers the same as the jurisdiction and powers it exercises when sitting at Elba, in said county; providing for the transfer of causes from the said court sitting at one of said places to the said court at the other place; and investing the chancellor of said court and register at Enterprise with all the powers conferred by law upon chancellors and registers in this State.

Was read a third time at length and passed.

Yeas, 23; nays, 0.

Yeas:

Messrs:

Barbour	Heacock	Merritt	Strother
Doster	Hinson	Miller	Thomas
Forrester	Jones	Moody	White
Gardner	Leith	Overton	Wilson
Hamner	Lowe	Reid	Wimberly
Hayes	Lusk	Reynolds	

—23.

**The Bill:**

**S. 302.** To amend an act entitled an act, to establish the city court of Bessemer, approved February 28th, 1907.

Was read a third time at length and passed.

Yeas, 23; nays, 0.

Yeas:

Messrs:

Barbour	Hayes	Lusk	Reynolds
Blackmon	Heacock	Merritt	Thomas
Davis	Hinson	Miller	White
Forrester	Jones	Overton	Wilson
Gardner	King	Reese	Wimberly
Hamner	Lowe	Reid	

—23.

And the same ordered sent to the House without engrossment.

**The Bill:**

**H. 166.** To amend section ten (10) of an act entitled an act to regulate the trial of misdemeanors in Morgan county, approved February 23, 1899.

Was read a third time at length and passed.

Yeas, 24; nays, 0.

Yeas:

Messrs:

Barbour	Hinson	Merritt	Strother
Blackmon	Jones	Miller	Teasley
Forrester	King	Overton	Thomas
Gardner	Leith	Reese	White
Hamner	Lowe	Reid	Wilson
Heacock	Lusk	Reynolds	Wimberly.

—24.

**The Bill:**

**H. 448.** To repeal an act entitled an act to prohibit the sale, giving away or otherwise disposing of spiritu-

ous, vinous or malt liquors, or intoxicating bitters or beverages within certain territories therein described, in so far as the same relates to precinct number eight, including the town of Fitzpatrick and Thompson in Bullock county, Alabama, approved December 31st, 1897.

Was read a third time at length and passed.

Yeas, 23; nays, 0.

Yeas:

Messrs:

Blackmon	Heacock	Merritt	Strother
Davis	Hinson	Miller	Thomas
Forrester	Jones	McWhorter	White
Gardner	King	Overton	Wilson
Glenn	Leith	Reese	Wimberly
Hayes	Lusk	Reynolds	

—23.

The Bill:

S. 333. To provide for the fixing of the salary of the county superintendent of education of Perry county, Alabama, and for the defining of the duties and requirements of said superintendent.

Was read a third time at length and passed.

Yeas, 24; nays, 0.

Yeas:

Messrs:

Barbour	Hinson	Merritt	Reynolds
Blackmon	Jones	Miller	Strother
Davis	King	McWhorter	Thomas
Doster	Leith	Overton	White
Forrester	Lowe	Reese	Wilson
Glenn	Lusk	Reid	Wimberly

—24.

The Bill:

H. 507. To appropriate the sum of \$22.65 for the year 1904 and the further sum of \$30.00 for the year 1905, to

T. T. Herbert as a Confederate pensioner for said years, his name having been erroneously omitted from the list of pensioners for said years.

Was read a third time at length and passed.

Yeas, 20; nays, 0.

Yeas:

Messrs:

Barbour	Haves	Leith	Reid
Blackmon	Heacock	Lowe	Thomas
Davis	Hinson	Lusk	White
Forrester	Jones	Miller	Wilson
Glenn	King	Reese	Wimberly

—20.

The Bill:

H. 205. To appropriate the sum of ten thousand dollars for the completion of a school building of the fifth congressional district agricultural school, located at Wetumpka, the main school building being destroyed by fire January 5th, 1906.

Was read a third time at length and passed.

Yeas, 21; nays, 0.

Yeas:

Messrs:

Barbour	Heacock	Lusk	Reynolds
Davis	Hinson	Merritt	Strother
Forrester	Jones	Miller	Thomas
Glenn	King	Reese	Wilson
Hamburger	Lowe	Reid	Wimberly
Hayes			

—21.

The Bill:

H. 585. To provide for and regulate the drawing, summoning and empaneling of juries in capital cases in Jefferson county.

Was read a third time at length and passed

Yeas, 18; nays, 0.

Yeas:

Messrs:

Blackmon	Leith	Moody	Thomas
Forrester	Lowe	McWhorter	White
Glenn	Lusk	Reid	Wilson
Hayes	Merritt	Reynolds	Wimberly
King	Miller		

—18.

The Bill:

S. 83. To appropriate the sum of six thousand dollars for the completion and improvement of the school buildings of the 8th congressional district agricultural school located at Athens: The main school building having been destroyed by a storm in November, 1906.

Was read a third time at length and passed.

Yeas, 16; nays, 4.

Yeas:

Messrs:

Gardner	Heacock	Merritt	Reynolds
Glenn	King	Miller	Thomas
Forrester	Leith	Moody	Wilson
Hayes	Lusk	Reid	Wimberly

—16.

Nays:

Messrs:

Barbour	Blackmon	Lowe	White
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—4.

The Bill:

S. 332. To authorize the county commissioners of Perry county, Alabama, to appropriate annually from the funds of said county the sum of two hundred and fifty dollars for the use of the county board of education of said county to be used by said board for the sole and only purpose of advancing the interests of the public schools of said county.

Was read a third time at length and passed.

Yeas, 24; nays, 0.



Yeas :

Messrs :

Barbour	Gunn	Merritt	Spragins
Bayles	Hayes	Miller	Strother
Davis	Jones	McWhorter	Thomas
Forrester	King	Overton	White
Gardner	Leith	Reid	Wilson
Glenn	Lusk	Reynolds	Wimberly

—24.

The Bill :

H. 597. To establish a probate office at Enterprise, Alabama, and to provide for holding terms of the probate court of Coffee county thereat, and to regulate the jurisdiction and proceedings thereof, and to provide for the registration in such office of instruments authorized by law to be recorded, and defining the district within and for which the jurisdiction of such court shall be exercised and such registration shall operate.

Was read a third time at length and passed.

Yeas, 23; nays, 0.

Yeas :

Messrs :

Barbour	Heacock	Merritt	Strother
Forrester	Jones	Miller	Thomas
Gardner	King	Moody	White
Glenn	Leith	McWhorter	Wilson
Gunn	Lowe	Reid	Wimberly
Hayes	Lusk	Reynolds	

—23.

The Bill :

S. 301. To dispose of all surplus moneys coming into the fine and forfeiture fund of Jefferson county, Alabama.

Was read a third time at length and passed.

Yeas, 22; nays, 0.

Yeas :

Messrs :

Barbour	Hayes	Moody	Spragins
Blackmon	Heacock	McWhorter	Strother
Davis	Jones	Overton	White
Forrester	Leith	Reid	Wilson
Glenn	Merritt	Reynolds	Wimberly
Gunn	Miller		

—22.

S. 303. To amend an act entitled an act to authorize the court of county commissioners of Jefferson county to purchase claims against the fine and forfeiture fund of said county.

Was read a third time at length and passed.

Yeas, 23; nays, 0.

Yeas :

Messrs :

Barbour	Hayes	Miller	Spragins
Davis	Heacock	Moody	Strother
Doster	Jones	McWhorter	White
Forrester	Leith	Overton	Wilson
Glenn	Lusk	Reid	Wimberly
Gunn	Merritt	Reynolds	

—23.

The Bill :

S. 220. To repeal section sixteen of an act to establish a uniform system for the examination and licensing of teachers of public schools, approved February 10th, 1899, amended February 8th, 1901.

Was read a third time at length and passed.

Yeas, 24; nays, 0.

Yeas :

Messrs :

Barbour	Gunn	Leith	Overton
Davis	Hayes	Lusk	Reid
Doster	Heacock	Merritt	Reynolds
Forrester	Horton	Miller	Strother
Gardner	Jones	Moody	Thomas
Glenn	King	McWhorter	White

—24.

**The Bill:**

H. 530. To amend section 1 of an act entitled an act to make it unlawful for any person or persons to sell, give away, barter, exchange or otherwise dispose of any alcoholic, vinous or malt liquors or intoxicating bitters, beverages or fruits preserved in alcoholic liquors within one and a half miles of Mount Zion church in Winston county, Alabama, and certain other places in the State of Alabama, approved December 12th, 1888, so far as the same relates to said Mount Zion church, which in said act should have been Mount Joy church.

Was read a third time at length and passed.

Yeas, 22; nays, 0.

Yeas:

Messrs:

Barbour	Heacock	Moody	Strother
Davis	Jones	McWhorter	Thomas
Doster	Lowe	Reid	White
Forrester	Lusk	Reynolds	Wilson
Gardner	Merritt	Spragins	Wimberly
Glenn	Miller		

—22.

**The Bill:**

S. 219. To provide for the revocation of the license or right to engage in or carry on, the business of the transportation, originating and terminating in this State, of freight or passengers of any foreign corporation which is now engaged or which may hereafter engage in such business, or the business of common carrier in this State, in the event such corporation shall for any of the purposes specified in this act, institute in any Federal court any suit or proceeding or shall remove or cause to be removed to any Federal court any suit or proceeding instituted in any State court for any of the purposes specified in this act.

Was read a third time at length and passed.

Yeas, 18; nays, 2.

Yeas :

Messrs :

Barbour	Glenn	McWhorter	Spragins
Davis	Gunn	Overton	Strother
Doster	Lusk	Reid	White
Forrester	Merritt	Reynolds	Wilson
Gardner	Moody		

—18.

Nays: Messrs. Blackmon, Jones—2.

The Bill :

S. 221. To amend section seventeen of an act to establish a uniform system for the examination and licensing of teachers of public schools, approved February 10th, 1899; amended February 8th, 1901.

Was read a third time at length and passed.

Yeas, 23; nays, 0.

Yeas :

Messrs :

Barbour	Gunn	Lusk	Reynolds
Blackmon	Hayes	Merritt	Strother
Davis	Heacock	Moody	Thomas
Forrester	Hinson	McWhorter	White
Gardner	Jones	Overton	Wilson
Glenn	Leith	Reid	

—23.

The Bill :

S. 261. To ratify and make legal all claims issued to State witnesses from March 6th, 1903, to June 9th, 1905, by the clerk of the circuit court of Walker county, or by the judge of the county court of Walker county, or by the person acting as and claiming to be judge of the county court of said county, or the clerk or person acting as clerk of said court, or issued by the foreman of any grand jury organized under what is known as the 14th judicial circuit act, approved March 6th, 1903.

Was taken up.

Mr. Leith offered the following amendment to said bill to wit:

Amend Senate bill 261 by striking out section 2 and by adding the following in lieu thereof:

Section 2. Provided that the provision of this act shall only apply to those warrants or claims which would be legal and binding had the court for which the service was done, or act performed been a legal court, and provided further that none of said claims or warrants shall be paid until after they have been submitted to the county auditor for examination, and said auditor shall have thirty days within which to audit such warrants or claims after they are turned over to him.

Which was adopted.

Yeas, 23; nays, 0.

Yeas:

Messrs:

Barbour	Hinson	Miller	Spragins
Davis	Jones	Moody	Thomas
Forrester	King	McWhor'er	White
Glenn	Leith	Overton	Wilson
Hamner	Lowe	Reid	Wimberly
Hayes	Merritt	Reynolds	

—23.

And said bill as thus amended,

Was read a third time at length and passed.

Yeas, 22; nays, 0.

Yeas:

Messrs:

Barbour	Jones	Miller	Reynolds
Forrester	King	Moody	Thomas
Gardner	Leith	McWhorter	White
Hamner	Lowe	Overton	Wilson
Hayes	Lusk	Reid	Wimberly
Hinson	Merritt		

—22.

**The Bill :**

H. 540. To further regulate the city court of Birmingham, Alabama, and the practice and procedure in said court; to provide for judges thereof, their election, term of office, removal, power and salary; for the election, term of office, bond, removal and duties of the clerk and register thereof; and to provide suitable court rooms and places, dockets, stationery, and other supplies for the holding of said court.

Was taken up.

The following amendment to said bill, offered by the committee on Local Legislation to wit:

Strike the words "elected by the Legislature in joint session" where they occur in the first paragraph of said bill and insert in lieu thereof the following words "appointed by the governor."

Was considered and lost .

Yeas, 11; nays, 15.

Yeas:

Messrs:

Davis	Lowe	Miller	Overton
Gardner	Lusk	Moody	Reynolds
Heacock	Merritt	McWhorter	

—11.

Nays:

Messrs:

Barbour	Hayes	Reese	White
Blackmon	Jones	Reid	Wilson
Forrester	King	Spragins	Wimberly
Glenn	Leith	Thomas	

—15.

Said bill was then read a third time at length and passed.

Yeas, 24; nays, 0.

Yeas:

Messrs:

Barbour	Gunn	Lusk	Reese
Blackmon	Hayes	Merritt	Reynolds
Davis	Heacock	Miller	Thomas
Forrester	Jones	Moody	White
Gardner	King	McWhorter	Wilson
Glenn	Leith	Overton	Wimberly

—24.

The Bill:

H. 596. To provide for holding separate terms of the circuit court for Coffee county, in the twelfth judicial circuit, at Enterprise, for the following portions of Coffee county, to-wit: Township 3, range 22; township 4, range 22; township 5, range 22; township 3, range 21; township 4, range 21; the east one-half of township 3, range 20; the following sections in township 4, range 20, to-wit: 13, 22, 23, 24, 25, 26, 27, 34, 35, 36; and all that portion of the territory in township 6, range 22; township 7, range 22; township 5, range 21; township 6, range 21, lying south of Pea river and to regulate the holding of such court, to provide buildings and accommodations therefor, making its jurisdiction within such district exclusive of the jurisdiction it exercises when sitting at Elba in said county of Coffee, defining the powers of the judge and clerk thereof, and regulating the drawing of its grand and petit jurors and providing for the transfer of causes from the circuit court held at Elba to said court held at Enterprise, and from the latter to the former.

Was taken up.

The following amendment offered by the committee, to-wit:

Amend section 1 by striking out the words "second Monday in February and on the second Monday in August of each year," at the end of said section, and insert in lieu thereof the following words.

Fourteenth Monday after the first Monday in March and September of each year.

Amend section 4, to read as follows:

Section 4. Be it further enacted that the court of county commissioners of Coffee county shall, at the expense of the county provide a suitable building or buildings in which to hold the terms of the said circuit court at Enterprise, and for the use of the officers thereof, and as necessary for the dispatch of the business of said court, and provide for the rent, which shall not exceed three hundred dollars (\$300) per annum, and the equipment and other expenses incident to such court, and it shall be the duty of the court of county commissioners on the petition of two hundred voters of the county, to submit to the qualified voters of the county, at the first general State election held in said county after the filing of said petition, the question of the purchase or erection of such building or buildings, such election to be held and the result thereof ascertained under such directions as the court of county commissioners may prescribe and if a majority of the vote cast at such election shall be in favor of the erection or purchase of such building or buildings, it shall become the duty of said court of county commissioners to purchase or erect and equip at the expense of the county suitable building or buildings for said court and its officers, said building or buildings to be so purchased or erected at a cost of not less than fifteen thousand dollars (\$15,000), and the court of county commissioners is hereby authorized, if it shall be necessary, to levy a special tax for that purpose. If the election herein provided for should result in a majority of the votes thereat being against the purchase, or erection of said building or buildings, then upon like petition filed with said court of county commissioners at intervals of two years or more, another or other elections shall be held as herein provided.



Amend section 13 by striking out the following words:  
 "and for which if necessary a special tax may be levied,"  
 at the end of said section.

Which was adopted.

Yeas, 21; nays, 0.

Yeas:

Messrs:

Davis	Hayes	Merritt	Reynolds
Forrester	Heacock	Miller	Strother
Gardner	King	Moody	Thomas
Glenn	Leith	McWhorter	White
Gunn	Lusk	Reid	Wilson
Hamner			

—21.

And said bill as thus amended was read a third time  
 at length and passed.

Yeas, 22; nays, 0.

Yeas:

Messrs:

Barbour	Gunn	Lusk	Strother
Blackmon	Hayes	Merritt	Thomas
Davis	Heacock	Moody	White
Forrester	Jones	McWhorter	Wilson
Gardner	King	Reid	Wimberly
Glenn	Leith		

—22.

#### REPORT FROM COMMITTEE ON ENGROSSED BILLS.

Mr. Spragins, from the committee on Engrossed Bills,  
 reported as follows:

The committee on Engrossed Bills report that they  
 have examined Senate bills Nos. 190, 244, 250, 251, 258,

266, 288, 289, 297, compared them with the original bills respectively and found them to be correctly engrossed.

Robt. E. Spragins, Chairman.

February 21, 1907.

RECONSIDERATION OF VOTE.

Mr. McWhorter moved to reconsider the vote by which

H. 128. To prohibit, regulate and restrict the sale or other disposition of intoxicating liquors, drinks or beverages within the State of Alabama by providing for elections in the various counties of the State to determine whether the sale or other disposition of such intoxicating liquors, drinks or beverages shall be so prohibited, regulated and restricted.

Was passed at the morning session, which motion prevailed.

Mr. McWhorter then moved to reconsider the vote by which said bill was ordered to a third reading.

Which motion also prevailed.

Mr. McWhorter then offered the following amendment to said bill, to-wit:

Amend section 14 of the bill as amended by striking out the following words to-wit: "At the time of the approval of this act," and insert in lieu thereof the following words to-wit: "On January 1st, 1908

Which was adopted.

Yeas, 20; nays, 2.

Yeas:

Messrs:

Barbour	Gunn	Moody	Spragins
Doster	Hayes	McWhorter	Thomas
Forrester	Heacock	Overton	White
Gardner	Jones	Reid	Wilson
Glenn	Merriitt	Reynolds	Wimberly

Nays: Messrs. Lusk, Davis—2.

And said bill as thus amended was read a third time at length and passed.

Yeas, 22; nays, 0.

Yeas:

Messrs:

Barbour	Hayes	McWhorter	Strother
Doster	Heacock	Overton	Thomas
Forrester	Jones	Reid	White
Gardner	Lusk	Reynolds	Wilson
Glenn	Merritt	Spragins	Wimberly
Gunn	Moody		

—22.

Nays: Messrs. Lusk, Davis—2.

And said bill as thus amended was read a third time at length and passed.

Yeas, 22; nays, 0.

Yeas:

Messrs:

Barbour	Hayes	McWhorter	Strother
Doster	Heacock	Overton	Thomas
Forrester	Jones	Reid	White
Gardner	Lusk	Reynolds	Wilson
Glenn	Merritt	Spragins	Wimberly.
Gunn	Moody		

—22.

#### BILLS ON THIRD READING.

The Bill:

S. 206. To authorize and require the appointment of five commissioners to constitute a commission, to be known as "The Judiciary Commission" and prescribe

the duties and powers thereof, and to fix the compensation of the members and employees thereof.

The following substitute therefore offered by the committee was taken up, to-wit:

SUBSTITUTE FOR THE SENATE BILL 206.

A BILL

To be entitled an act to authorize and require the appointment of five commissioners to constitute a commission to be known as the Judiciary Commission and prescribe the duties and powers thereof and fix the compensation of the members and employees thereof.

Section 1. Be it enacted by the legislature of Alabama, That the governor is hereby authorized and required within ten days after the approval of this act to appoint five experienced and well qualified lawyers who do not hold any office of profit or trust under this State or any other State or government, selected from different parts of the State, no two being from the same congressional district, to be known as the Judiciary Commission.

Section 2. That said commission will convene in the capitol at Montgomery, on a day to be named by the governor in his notice of appointment, not more than ten days from said appointment, when and where they will elect one of their members as chairman of said commission, and also elect a clerk of said commission, who shall be an expert stenographer and typewriter, and experienced in work of the character to be performed by said commission.

Section 2 1-2. That said commission shall sit until it shall complete the work herein required of it, and shall

have the right to examine all the records of the several departments, and all books and libraries in the capitol, and may call upon all of the judges of the courts of the State and all the solicitors and all of the clerks of such courts for information as to the business of such courts, without cost to the State, and it shall be unlawful for any one of such officers to fail, or refuse to furnish the same, but it shall be unlawful for any judge, solicitor or clerk or any other person to write or speak to such commission or members thereof concerning the political effect, any arrangement of any circuit or organization of any court will, may or might have upon the political prospects, hope or chances of any person, and the said commission or members thereof shall not in any way consider the political effects of any of its findings.

Section 3. That said commissioners shall each be paid the sum of two hundred and fifty dollars and their actual expenses in going to and returning from the sittings of said commission, to be itemized and sworn to by each commissioner and approved by the governor, and the compensation of the clerk shall be two hundred dollars and paid in like manner. All stationery and postage for the use of such commission shall be furnished by the Secretary of State. Said commission shall be provided with a suitable room and suitable furniture to be designated by the governor.

Section 4. That said commission shall take into consideration the Judicial system of Alabama, and shall, with a view to harmonizing and justly and properly arranging the same, consider the organization, consolidation and arrangement or re-arrangements of all the courts of record of this State, excepting the probate courts, the arrangement and extent of circuits, districts or division and terms of frequency and time held of all courts. They will consider the abolition or consolidation of all or any of the city courts, criminal courts, courts of law and equity or other inferior courts in any of the cities or counties of

the State, exercising common law, criminal or equity jurisdiction, or the consolidation of such courts, and will take into consideration all that is necessary to constitute a perfect and complete harmonious Judicial System; and they will ascertain and consider the population, wealth and development of the several counties and the means of communication and transportation, and the distances between such counties and the amount of litigation and character thereof in the several counties, and all facts and circumstances connected with the administration of the law calculated to enable them to perform the duties required of them by this act.

Section 5. That they will, after considering the premises set forth herein, make and prepare a plan for the organization and jurisdiction and arrangement as to courts and the number and terms thereof and times of holding and length of terms and frequency thereof, and manner of calling and holding special or adjourned terms, and so arrange said courts so as to require of each and every judge and chancellor, as nearly as possible, the same amount of work and to divide and distribute the judicial work of the State, and to make it not work injustice, and to equalize and adjust the salaries so as to fairly compensate such judges, and will also make such plan embrace the best arrangement as to solicitors and their duties as herein pointed out, and report the same to the governor together with all such bills or acts as they may think necessary for the proper enactment of such plans into law accompanying such reports and proposed acts or bills with a statement of all facts necessary to a proper understanding of such report.

Section 6. That when said report shall be made to the governor he shall cause the same to be printed and lay the same, with all proposed bills or acts or facts, before the next sitting of this legislature or any other regular, special or extraordinary session, which may be convened, for their consideration.

Section 7. That before entering upon the duties of their office said commissioners shall take an oath of of-

vice as prescribed in the Constitution, and in addition thereto that they will discharge the duties of their office without fear, favor or consideration of any other interest or purpose than the welfare of the State and the interest of the public.

Section 8. That there is hereby appropriated out of the treasury the sum of four thousand dollars or such part thereof as may be necessary to pay said commissioners and clerk and expenses herein, warrants to be drawn on the treasurer by the auditor on order of the governor after the completion of the work herein required of said commission and delivery of said report to the governor.

Pending the consideration

#### ADJOURNMENT.

The hour of six o'clock having arrived, under joint resolution the Senate adjourned until Saturday, Feb. 23, 1907, at 10 o'clock a. m.

#### THIRTIETH DAY.

Saturday, Feb. 23, 1907.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Avery of the House.

#### ROLL CALL.

Present:

Mr. President, and

Messrs:

Barbour	Davis	Gardner	Hamburger
Bayles	Doster	Glenn	Hamner
Blackmon	Forrester	Gunn	Hayes

Heacock	Lowe	Overton	Teasley
Hinson	Lusk	Reese	Thomas
Horton	Merritt	Reid	White
Jones	Miller	Reynolds	Wilson
King	Moody	Spragins	Wimberly.
Leith	McWhorter	Strother	

—35.

## JOURNAL.

On motion of Mr. Merritt the reading of the Journal of yesterday was dispensed with and the same was approved.

## PRIVILEGES OF THE FLOOR.

The privileges of the floor were extended to Senator Hugh Morrow of Jefferson, for today.

## RESOLUTIONS.

Mr. Gunn offered the following resolution:

Resolved that Senate bill No. 291 be made a special order for Tuesday, Feb. 26, at 12:15 o'clock.

Which was read and referred to the committee on Rules.

Mr. Lusk offered the following Joint Resolution:

S. J. R. 51. Resolved by the Senate, the House of Representatives concurring, that when the two Houses adjourn today, it be to meet Monday next at 10 a. m.

That when they adjourn Tuesday it be to meet Thursday next at 10 a. m.



That the several committees sit during recess Wednesday, and all members not excused will attend.

That on Thursday, Friday and Saturday, the Senate consider House bills and the House consider Senate bills in preference to bills originating in their respective houses.

Which under a suspension of the rules was adopted.

Mr. Merritt offered the following resolution :

S. J. R. 50. Be it resolved by the Senate, the House concurring, that his excellency, the governor, be requested hereby to return House bill 96 for further consideration by the two houses.

Which under a suspension of the rules was adopted.

#### REPORT FROM RULES COMMITTEE.

Mr. Gardner, from Rules Committee, reported favorably,

S. R. Resolved that Senate bill 291 be made a special order for Tuesday, Feb. 26 at 12:15 o'clock, p. m.

Which report was adopted, and,

S. 291. To regulate sales of stocks of merchandise in bulk or portions thereof, otherwise than in the ordinary course of trade, and to punish violations of the same.

Was made a special order for Tuesday, Feby. 26, 1907, at 12:15 o'clock p. m.

#### INTRODUCTION OF BILLS.

On a call of the Districts, bills were introduced, read one time and referred to appropriate standing committees as follows:

By Mr. Hamner:

S. 360. To amend section 2586 of the code of Alabama.

Banking and Insurance.

By Mr. Bayles:

S. 361. To preserve and to confirm unto the purchasers of swamp and overflowed lands of the State of Ala-

bama, the titles to lands sold by the agents or receivers of the State, or by any person or persons purporting to act as agents or receivers of the State, prior to February 12th, 1879.

Military.

By Mr. Thomas:

S. 362. To amend section 4583 of the code of Alabama of 1896.

Revision of Laws.

By Mr. Hayes:

S. 363. To amend section 2240 of the code of Alabama, of 1896, and to appropriate the sum of six hundred dollars for the secretary of the Senate and the clerk of the House, respectively for filing and arranging the papers of their respective houses in the office of the secretary of State and copy and deliver to the public printer the journals of their respective houses, with proper indexes thereto.

Finance and Taxation.

Mr. McWhorter:

S. 364. To amend sections one (1) and two (2) of an act entitled an act to confer additional rights and powers, including the right to acquire by purchase or by condemnation lands and easements, upon corporations organized under the general laws, or heretofore under a special act of the General Assembly of the State of Alabama, and upon corporations organized under the laws of any other State of the United States, and which corporations have complied with the laws of Alabama in reference to foreign corporations, and which have the right by their charter to manufacture, supply and sell power produced by water as a motive force, approved October 1st, 1903, and to add sections eight and a half, and nine and a half to said act, defining the duties of said corporation to the public.

Revision of Laws.

Mr. McWhorter:

S. 365. To grant to any person, firm or corporation acquiring necessary lands on both sides of a navigable river and organized for the purpose of developing water power and electricity transforming and distributing the

same, for the use of the public, to construct dams and locks in navigable rivers for the development of water power. To grant perpetual and exclusive easements for power purposes to and in the waters and beds of said rivers and to exempt the property of such person, firm or corporation used for the development and transmission of such power from taxation for a period of (10) ten years.

Judiciary.

Mr. Overton:

S. 366. To amend section two and five of an act entitled an act to provide for the recovery to the State of lands not legally patented, and to settle disputed titles; approved Feb'y. 23, 1899.

Judiciary.

#### REPORTS OF COMMITTEES.

Mr. Lusk, chairman of the standing committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report.

S. 345. To amend sections one (1) and two (2) of an act entitled an act to confer additional rights and powers including the right to acquire by purchase or by condemnation lands and easements, upon corpoartions organized under the general laws or heretofore under a special act of the general assembly of the State of Alabama, and upon corporations organized under the laws of any other State of the United States, and which corporations have complied with the laws of Alabama in reference to foreign corporations and which have the right by their charter to manufacture, supply and sell power produced by water as a motive force" approved October 1st, 1903; and to add thereto sections eight and a half (8 1-2) and nine and a half (9 1-2).

Also,

S. 329. To grant to towns and cities which own and operate dispensaries the power to contract with the governing body of the county in which such town or city is situated to give to such county fifty per cent of the

net revenue of such dispensary for the purpose of paying interest upon, and providing a sinking fund for the redemption of, any bonds issued by such county for the purpose of constructing public roads in such county.

Also, (with amendment.) :

H. 658. To provide for the payment by Cullman county of one half the costs of construction of the Albritton bridge over the Mulberry river which was constructed by Blount county and has since been acquired in part by Cullman county by a change of the boundary lines between the counties of Cullman and Blount.

Mr. Horton, chairman of the standing committee on Agriculture, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report.

S. 340. To provide for the collection, compilation and publication of statistics of cotton stored within the State; to require warehousemen to make reports there-to; and to fix penalties of the violations of the provisions of this act.

Also,

S. 316. To prohibit the owner of any mortgage deed of trust or like instrument upon personal property from attempting to collect same by threats of arrest or by threats of criminal prosecution or of physical injury.

Also, (with substitute) :

H. 108. To amend an act to regulate the registration, branding, sale, tagging and analysis of commercial fertilizers, acid phosphates, fertilizer materials and chemicals in the State of Alabama approved March 3, 1903.

Also, (with amendment) :

H. 107. To prohibit the sale of adulterated cotton seed meal as fertilizers, to have the same analyzed and a guaranteed analysis printed on tags and tags attached to the bags containing the same, and in case of sales in bulk to have such analysis set forth in the contract of sale and providing that all sales of such meal which does not contain the ingredients represented shall be void and that any money paid for same may be recovered by the purchaser.

Mr. Miller, chairman of the standing committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report.

H. 178. To make appropriation for buildings, machinery and other necessary improvements at the Alabama Industrial school for white boys.

Also,

H. 179. To make appropriation for the maintenance of the Alabama Industrial school for white boys for the years 1907, 1908, 1909, and 1910.

Also,

H. 137. To detach Lee county from the third judicial circuit and to transfer the cases pending in the circuit court of Lee county and the jurisdiction to try and determine the same, to the Lee county court of law and equity and to repeal conflicting laws.

Also,

H. 138. To detach Lee county from the northern chancery division and to transfer the cases pending in the chancery court of Lee county, and the jurisdiction to try and determine the same, to the Lee county court of law and equity and to repeal conflicting laws.

Also,

H. 136. To establish the Lee county court of law and equity, prescribe its jurisdiction and powers, its rules of practice and procedure, to provide for the selection of its officers, prescribe their powers, duties, compensation and term of office, fix the time of holding said court and provide for fees, commissions, fines, forfeitures and juries in said court, provide for supplies for said court and repeal conflicting laws.

H. 139. To abolish the county court of Lee county, to transfer the cases therein pending and its jurisdiction to try and determine the same, to the Lee county court of law and equity and to repeal conflicting laws.

Also,

H. 233. To appropriate the sum of forty thousand dollars (\$40,000) to the Alabama schools for the deaf and blind.

Also,

H. 323. To provide necessary funds for the maintenance, repairs, improvements apparatus and additions to the medical college of Alabama.

Also,

H. 180. To provide for the sale and other disposition by the board of trustees of the University of Alabama, of such lands as have been or may be selected under and by virtue of an act of congress entitled an act to increase the endowment of the university of Alabama from the public lands in said State, approved April 23rd, 1884; and to ratify and confirm such sales and other dispositions of said lands as may have heretofore been made.

Also,

H. 616. To appropriate one-third of the net proceeds of the dispensaries operated in Houston county, Alabama, to the public schools of said county, and to provide for the collection and the disbursement of the same.

Mr. Merritt, chairman of the standing committee on Local Legislation, reported that said committee, in session, had acted on the following bills and ordered the same returned to the Senate with a favorable report.

S. 319. To fix the salary of the judge of the city court of Montgomery.

Also,

H. 163. To fix the time of holding the city court of Montgomery.

Also, with recommendation,

H. 51. To amend sections three (3) four (4) five (5) and six of an act entitled an act to amend an act entitled an act to establish a city court for the county of Talladega, approved February 23, 1893, as the same appears in acts of 1894-5, page 1218 et seq., to create two divisions of the city court of Talladega, to be known respectively as "The Talladega division of the city court of Talladega and the Sylacauga division of the city court of Talladega; to prescribe the jurisdiction of said divisions the times and places for holding courts therein, and to regulate the proceedings therein.

Also,

H. 372. To authorize cities, towns, and other municipal corporations to make certain improvements on the sidewalks, streets, avenues, alleys, highways, or other public places of such city, town, or other municipal corporation, to construct sewers; to assess the cost of such improvements, or any part thereof, upon the property abutting such street, avenue, alley, highway, or other public place, or drained by such sewers, or against the right of way of any railroad so improved or drained by such sewers; to make such assessments a lien on such property, and to regulate appeals from such assessments; to provide methods for the enforcement of such lien, and the payment of such assessment and penalties and to authorize the issue of bonds to pay for such improvements.

The foregoing bills contained in said committee reports were severally read a second time and placed on the calendar.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The Speaker of the House having signed the following House bills your signature thereto is requested:

H. 507. To appropriate the sum of \$22.65 for the year 1904 and the further sum of \$30.00 for the year 1905, to T. T. Herbert as a confederate pensioner for said years, his name having been erroneously omitted from the list of pensioners for said years.

H. 166: To amend section ten (10) of an act entitled an act to regulate the trial of misdemeanors in Morgan county," approved February 23, 1899.

H. 530. To amend section 1 of an act entitled an act to make it unlawful for any person or persons to sell, give away, barter, exchange or otherwise dispose of any alcoholic, vinous or malt liquors or intoxicating bitters, beverages or fruits preserved in alcoholic liquors within one and a half miles of Mount Zion church in Winston county, Alabama, and certain other places in the State of Alabama, approved December 12th, 1888, so

far as the same relates to said Mount Zion church, which in said act should have been Mount Joy church.

H. 448. To repeal an act entitled an act to prohibit the sale, giving away, or otherwise disposing of spirituous, vinous or malt liquors, or intoxicating bitters or beverages within certain territories therein described, in so far as the same relates to precinct number eight, including the town of Fitzpatrick and Thompson in Bullock county, Alabama. Approved December 31, 1897.

H. 585. To provide for and regulate the drawing, summoning and empaneling of juries in capital cases in Jefferson county.

H. 599. To provide for the holding of sessions of the court of county commissioners, for Coffee county, at Enterprise, Alabama, and to regulate the same.

H. 597. To establish a probate office at Enterprise, Alabama, and to provide for holding terms of the probate court of Coffee county thereat, and to regulate the jurisdiction and proceeding thereof, and to provide for the registration in such office of instruments authorized by law to be recorded, and defining the district within and for which the jurisdiction of such court shall be exercised and such registration shall operate.

H. 598. To provide for holding separate terms of the chancery court of Coffee county in the eleventh district of the southeastern chancery division of the State of Alabama, at Enterprise, Alabama, and to regulate the holding of such court, to provide accommodations and equipment therefor; making its jurisdiction and powers the same as the jurisdiction and powers it exercises when sitting at Elba, in said county; providing for the transfer of causes from the said court sitting at one of said plaes to the said court at the other place; and investing the chancellor of said court and register at Enterprise with all the powers conferred by law upon chancellors and registers in this State.

#### SIGNING OF BILLS.

The President of the Senate in the presence of the Senate immediately after their titles had been publicly



read at length by the secretary, signed the above House bills, the titles of which are set out in the foregoing message from the House. The reading at length of said bills having been dispensed with, by a two-thirds vote of a quorum of the Senate present.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in the Senate amendments to the bill;

H. 128. To prohibit, regulate and restrict the sale or other disposition of intoxicating liquors, drinks or beverages within the State of Alabama by providing for elections in the various counties of the State to determine whether the sale or other disposition of such intoxicating liquors, drinks or beverages shall be so prohibited, regulated and restricted.

Cyrus B. Brown, Clerk.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in S. J. R. No. 50 relative to the return of H. 96 by the governor.

Cyrus B. Brown, Clerk.

SPECIAL ORDER SET.

On motion of Mr. Teasley

S. 311. To promote and encourage agriculture, the raising of live stock and kindred interests, in the State of Alabama, by appropriating annually the sum of twenty-five thousand dollars out of any moneys in the treasury, not otherwise appropriated, to be paid in premiums for exhibits of live stock, agriculture and kindred exhibits, to be made on the following fair grounds: Alabama Agricultural association, Vandiver park, Montgomery, Alabama, \$8,500.00; Central Alabama Fair Association grounds at Selma, Alabama, \$4,000.00; State Fair grounds, Birmingham, Alabama, \$8,500.00;

Tennessee Valley Fair association grounds, Huntsville, Alabama, \$4,000.00, and to exempt from the payment of licenses and taxes, State, county, and municipal all the businesses, trades, professions, exhibits and industries that may be carried on on said fair grounds, during the annual fair to be held by each of said fair associations.

Was made a special order for Tuesday, February 26, 1907, at 12:30 o'clock.

#### REPORT FROM THE COMMITTEE ON ENROLLED BILLS.

Mr. President:

The committee on Enrolled Bills have examined the following Senate bills:

S. 176. To divide Montgomery county into three revenue districts, make the members of the board of revenue elective by districts; fix their term of office, prescribe their qualifications; to provide for the appointment of members of said board until the next general election; to prescribe the method of filling vacancies; to provide a clerk for said board, fix his salary and prescribe his duties.

And find same correctly enrolled.

Frank S. Moody,  
Chairman.

#### SIGNING OF BILLS.

The president of the Senate in the presence of the Senate, immediately after its title had been publicly read at length by the secretary, signed the above House bill, the title of which is set out in the foregoing report from Committee on Enrolled Bills. The reading at length of said bill having been dispensed with, by a two-thirds vote of a quorum of the Senate present.

#### RETURN AND RECOMMITMENT OF BILLS.

Mr. Lusk, from the Committee on Judiciary, returned to the Senate

H. 34. To provide means for the extension of the corporate limits of cities having twenty-five thousand in-

habitants or over, and exempting from city taxation property brought within the corporate limits, for certain periods of time, and fixing the rights, powers, duties, liabilities and jurisdiction of the city over the territory brought into the corporate limits and the rights of the inhabitants thereof, including rights relating to public schools, and to provide for the apportionment between a city and county of the road and bridge tax collected by the county on property within the city, and the expenditure of the fund by the city.

And recommend that same be referred to the committee on Municipal Organizations.

Which was accordingly done.

Also,

S. 278. To provide for persons convicted of vagrancy to give bond for their release and regulating suits for the breach of said bond.

And,

S. 277. To regulate the jurisdiction of the courts of this State with reference to crime of vagrancy, and to prescribe the duties of certain officers with respect to said crime.

And recommend that they be referred to the committee on Revision of Laws.

Which was accordingly done.

Mr. Wimberly, from the committee on Public Health, returned to the Senate:

S. 347. To establish and maintain a State sanatorium for consumption and tuberculosis and to provide for disseminating information upon the nature, treatment and cure of tubercular diseases, and to make appropriations therefor.

And recommend that the same be referred to the committee on Finance and Taxation.

Which was accordingly done.

## MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bills:

H. 516. To prevent the mortgagee in any mortgage from requiring or permitting the mortgagor to pay any or all of the tax or taxes on said loan.

And sends the same to the Senate.

H. 538. To provide for the election of four commissioners of Fayette county, Alabama, by the qualified electors of said county.

And sends the same to the Senate, with notice and proof attached and herewith exhibited as follows:

## NOTICE:

Notice is hereby given of the intention of the undersigned to apply for the passage of the following law at the next session of the Legislature of Alabama:

## AN ACT

To provide for the election of four commissioners of Fayette county, Alabama, by the qualified electors of said county.

Section 1. Be it enacted by the Legislature of Alabama, That at the general election 1908, and every four years thereafter, the qualified electors of Fayette county shall elect one commissioner from each of the respective second and fourth districts who shall be bona fide residents of each of said districts, whose term of office shall be for four years.

Sec. 2. Be it further enacted, That at the general election in 1910 and every four years thereafter the qualified electors of Fayette county, Alabama, shall elect one commissioner from each of the respective first and third districts, who shall be bona fide residents of each of said districts, and whose term of office shall be for four years.

Sec. 3. Be it further enacted, That all laws and parts of laws in conflict with this act are hereby repealed.

Wm. M. Cannon.

The State of Alabama, }  
County of Fayette. }

Personally appeared before me, Chas. W. Sanders, a notary public in and for said county and State, R. J. Smith, known to me to be the printer and publisher of the Fayette Banner, a newspaper, known by me to be published in said county and State, who being duly sworn, says on oath, that he said R. J. Smith, affiant, is the printer and publisher of said Fayette Banner a newspaper, and that said Fayette Banner, newspaper is published in Fayette county, Alabama, and has been so published for several years past, and that the notice, a copy of which is hereto attached, to apply for the passage by the Legislature of Alabama, of a law, as set out in said notice, has been published in said Fayette Banner, newspaper, once a week for four consecutive weeks, while said newspaper was being published in said county of Fayette and State of Alabama and while affiant was the printer and publisher thereof, said publication having been made since the 1st day of December, 1906.

R. J. Smith.

Sworn to and subscribed before me this 26th day of January, 1907.

Chas. W. Sanders,  
Notary Public.

H. 610. To further amend the revenue laws of the State of Alabama.

And sends same to the Senate.

H. 748. To prohibit the sale, barter, giving away or otherwise disposing of spirituous, vinous or malt liquors, intoxicating drinks, bitters or beverages, in Franklin county, Alabama.

And sends the same to the Senate, with notice and proof attached and exhibited herewith as follows:

The State of Alabama, }  
 Franklin County. }

Before me, Foster Gavin, a notary public for said county and State, personally appeared J. C. Norwood, editor and proprietor of The Franklin Times, a newspaper published in said county and State, and makes oath that he is such editor and proprietor and further deposes and says that a notice, a copy of which is hereto attached, was published in said Franklin Times, for four consecutive weeks prior to this date. This Feb. 14th, 1907.

J. C. Norwood,

Editor and Proprietor of Franklin Times.

Sworn to and subscribed before me this the 14th day of Feb., 1907.

Foster Gavin,  
 Notary Public.

#### NOTICE.

Notice is hereby given that a bill will introduced in the next Legislature of Alabama, prohibiting the sale, barter, giving away or otherwise disposing of spirituous, vinous, or malt liquors, intoxicating drinks, bitters or beverages in Franklin county, Alabama, and repealing all laws or parts of laws in conflict therewith.

H. 366. To provide for the establishment, maintenance and regulation of a dispensary for the sale of spirituous, vinous, malt liquors, ciders and other intoxicants in and for Fayette county, Alabama.

And sends the same to the Senate, with notice and proof attached and exhibited herewith as follows:

#### NOTICE.

Is hereby given of the intention of the undersigned to apply for the passage of the following law at the next session of the Legislature of Alabama, viz.:

#### AN ACT

To provide for the establishment, maintenance and regulation of a dispensary for the sale of spirituous,

vinous, malt liquors, ciders and other intoxicants in and for Fayette county, Alabama.

Sec. 1. Be it enacted by the Legislature of Alabama, That after the ascertainment of the result of the election as provided for in an act of the Legislature of Alabama, entitled "An act to prohibit the sale, giving away, delivering or otherwise disposing of spirituous, vinous or malt liquors, intoxicating bitters or cordials or fruits preserved in alcoholic liquors or other intoxicants, in Fayette county, Alabama," upon the filing of a petition with the judge of probate of Fayette county, Alabama, signed by not less than two hundred qualified electors of said county, stating that they, said electors, desire an election to be held in said county for the purpose of ascertaining whether or not a dispensary shall be established in said county, it shall be the duty of such judge of probate to order an election to be held in said county for the purpose stated in said petition.

Sec. 2. Upon the filing of such petition it shall be the duty of the judge of probate of said county to order an election to be held in the various precincts and voting places of said county, said election to be held not less than forty nor more than sixty days from the date of the filing of such petition, and the judge of probate shall designate the day upon which the same shall be held, and shall give notice of the holding of said election, such notice to specify the time and purpose for which such election is to be held, and shall be published in a newspaper published in said county for not less than four consecutive weeks prior to the holding of said election, but a failure to give such notice as herein required shall not invalidate said election.

Sec. 3. On the day appointed for the holding of said election, an election shall be held in the various precincts and voting places of Fayette county, and all persons who are at the time of such election qualified electors under the general election laws of this State shall be entitled to vote in said election, and the provisions of the general election law of this State shall govern said election in all matters except it shall be the duty of the judge of probate, instead of the sheriff to give no-

tice of the holding of said election by publication; and provided, should the provisions of this act be inconsistent with the general election law, then this act so far as the same is inconsistent with the general election law shall prevail.

Sec. 4. For the purpose of said election the judge of probate shall have prepared and printed at the expense of the county, a sufficient number of ballots, so as to have as many as twice the number of ballots for each voting place or precinct as there are qualified electors in such precinct or voting place.

Sec. 5. In the election to be held under the provisions of this act the question shall be submitted to the electors of said county under the plan hereinafter provided, whether or not a dispensary shall be established in and for said county.

Sec. 6. The ballots to be used in said election shall consist of a strip of white paper, of sufficient size having printed thereon the words "I favor dispensary," and immediately under the above mentioned words shall be printed the words "I oppose dispensary."

Sec. 7. In this election herein provided for, an elector desiring to cast his vote in favor of the establishment of a dispensary shall so indicate his intention by making a cross (x) mark immediately to the left of the words "I favor a dispensary," and an elector desiring to cast his vote against the establishment of a dispensary shall so indicate his intention by making a cross (x) mark immediately to the left of the words "I oppose a dispensary."

Sec. 8. It shall be the duty of the managers in the various precincts immediately upon the closing of the polls to canvass the votes as in general elections and certify the result of the same to the judge of probate of said county, in the same manner as certificates of the result of elections under the general election law is made. The judge of probate with the sheriff and clerk of the circuit court of Fayette county, Alabama, shall on Saturday after the third day following such election meet and canvass the returns of the various precincts and voting places of the county, and certify the result



and such certificate of the canvassing board shall be recorded in the minutes of the probate court of Fayette county, Alabama, and such record or a certified copy thereof shall be prima facie proof of the result of such election as therein stated.

Sec. 9. In the event that, in the election as herein provided, a majority of the votes cast should be in favor of the establishment of a dispensary in and for said county, then the county of Fayette is hereby authorized in its corporate capacity to establish and maintain a dispensary for the sale of spirituous, vinous or malt liquors, intoxicating drinks or ciders, the same to be under the control and management of said county through its court of county commissioners.

Sec. 10. Prior to the first day of January next after the holding of this election herein provided for, it shall be the duty of the court of county commissioners of said county to provide a suitable and convenient place within the corporate limits of the town of the county seat of said county in which to establish and carry on such dispensary. And it shall be the duty of said court of county commissioners prior to the said first day of January to elect a man, who shall be of good moral character and sober habits, to be known as dispensary manager, who shall have charge and the management of said dispensary, under the supervision of the said court of county commissioners. Such manager shall be removable from the office as manager of such dispensary at the pleasure of said court. He shall with the consent of said court of commissioners employ or appoint such help or assistance as may be necessary in the conducting or managing of such dispensary.

Sec. 11. Before entering upon the discharge of his duties as such manager he shall take and subscribe to an oath that he will faithfully observe and keep the provisions and requirements of this act and the laws of the State of Alabama, regarding the sale of spirituous, vinous and malt liquors or intoxicants, and that he will faithfully and honestly perform and discharge the duties imposed upon him by the provisions of this act and the requirements of the court of county commissioners

which oath must be in writing. Each of the assistants or helpers employed in such dispensary shall also be required to take and subscribe the same oath as required of the manager before entering upon the discharge of their duties. The manager shall before entering upon the discharge of his duties as such manager make and file in the court of county commissioners a bond to be approved by said court in the sum of three thousand dollars conditioned that he faithfully and honestly discharge the duties as such manager and faithfully account for all monies, goods or property of any kind coming into his hands or under his control as such manager, such bond shall be payable to Fayette county, Alabama, and for any breach thereof said county may recover the amount of damages sustained thereby, and such manager shall be held responsible for the faithful performance of the duties of his assistants. For his services as such manager he shall receive such compensation as the court of county commissioners may deem right and proper, not in any event dependent upon the amount of sales or profits of such dispensary.

Sec. 12. Such manager shall be elected for a term of one year and until his successor is elected and qualified.

Sec. 13. The manager hereinabove provided under the direction and control of the court of county commissioners of said county shall buy and sell spirituous, vinous or malt liquors, ciders and intoxicants and carry on the dispensary during his term of office and until his successor is elected and qualified. Under the supervision of said court of commissioners he, the said manager, shall provide a stock of liquors for the beginning of said business and have the same ready to open such dispensary by the first day of January next succeeding the date of the election at which such dispensary is authorized to be established under the provisions of this act. And it shall be the duty of said court of county commissioners before the said first day of January to set aside and appropriate out of the county treasury of Fayette county a sufficient sum of money not less than four hundred nor more than fifteen hundred dollars to be used

by such manager in the purchasing of a stock of liquors and supplies with which to begin said business.

Sec. 14. Such dispensary shall be maintained and operated by the county of Fayette in its corporate name and capacity and all claims, bills and accounts due or owing such dispensary for stocks of supplies, for its operation or management shall be payable out of the dispensary fund of the county treasury of said county to be paid as other claims against the county are payable, after having been allowed by the court of county commissioners in the same manner as other claims are paid.

Sec. 15. It shall be the duty of the manager of such dispensary to pay over to the county treasury of said county at least once every week and oftener if such court of county commissioners require it to be done, all monies received by said dispensary, and shall report the amount so paid at the time of making such payment to the court of commissioners, and he shall also file a report with the court at the close of each the month showing the amount of liquors sold during said month, the amount of liquors on hand at the beginning of the month, and the amount on hand at the close of the month, the amount purchased during such month, the amount of money paid out during the month, the expenses incurred and the profits realized, which report shall be kept on file in the office of the judge of said county.

Sec. 16. It shall be the duty of the county treasurer to receive the money arising from the management of said dispensary, to keep an accurate account of the same separate and apart from all other monies coming into his hand, and such account shall be known as the dispensary account. All expenses arising or incurred by the management or operation of such dispensary shall be paid out of such dispensary and accounts of the same kept by such treasurer.

Sec. 17. The manager in addition to the reports required of him by section 15 of this act keep an accurate account of each day's sales, showing the amount of each sale, the amount of cash received for each sale and the total amount of sales made for each day, also the total amount of sales made and cash taken in for each week,

which reports shall be filed with the judge of probate at the close of each week for the use of the court of county commissioners. And such court may require of such manager any other information or such other reports regarding the conducting of such dispensary and the management thereof as they may deem proper.

Sec. 18. The monies arising from the management and operation of said dispensary shall be turned over to the county treasurer of Fayette county and an accurate account of the same kept and shall be disbursed as follows, to-wit: after first deducting all the expenses of operating such dispensary, forty per cent. of the remainder shall be paid into the town treasury of the town in which such dispensary is operated, which shall be in lieu of any privilege or license tax levied or collected by such town; thirty per cent. shall be turned over to the county superintendent of said county for the use of the public schools of said county to be disbursed by such county superintendent throughout the county to the various districts, such disbursement to be made on a per capita basis, each district receiving from such fund an amount proportionate to the whole of such fund as the number of children of such district bears to the number of children within the school age of said county. Fifteen per cent. shall be used by said county for the betterment of the public roads of the county, and the other fifteen per cent. shall be turned over to the judge of probate of said county to be divided among the confederate soldiers of such county, each soldier receiving an amount from said fund in proportion to the amount received by him as a pension from the State. The payment to the county superintendent of education and to the town treasurer shall be made on the first days of January and July of each year; provided that such distribution shall be in lieu of any town or county license tax or the operation or carrying on of such business.

Sec. 19. Such dispensary operated under the provisions of this law shall annually pay into the treasury of the State as a license tax the same amount of money that was required by law to be paid by retail liquor deal-

ers in the town of Fayette of said county as a State license tax, which shall be paid on or by the 15th day of January of each year as other license taxes are paid.

Sec. 20. Said manager shall at all times keep a stock of spirituous, vinous or malt liquors, ciders and other intoxicants on hand in such quantities as the court of county commissioners may direct. And the sales made by said manager shall be strictly for cash and he shall turn over all monies to the county treasurer of said county, taking his receipt therefor.

Sec. 21. The manager shall not sell any liquor of any kind in any quantity less than one half pint, he shall not make more than one sale to the same person in any one day and he shall not make any sale between the hours of six p. m. of one day and six a. m. of the next day.

Sec. 22. Said manager shall not himself drink, consume or give away liquor or intoxicants of any kind or in any quantity on the premises on which said business is conducted. Said manager shall not permit or suffer any person whomsoever to drink, consume or give away any liquor on said premises but this section shall not be construed so as to prohibit the manager or some employee designated by him from sampling liquors which he may contemplate purchasing. Said manager shall report to the grand jury any one whom he believes to be guilty of the provisions of this section.

Sec. 23. The manager shall not sell any spirituous, vinous or malt liquors or intoxicating drinks of any kind that are not contained in sealed packages in his dispensary. If any original package should be broken the contents shall be bottled and the bottle sealed.

Sec. 24. No spirituous, vinous or malt liquors or intoxicating drinks shall be sold in said county except as herein provided.

Sec. 25. The provisions of this act shall not operate or be construed to repeal any law or laws prohibiting the sale, giving away or otherwise disposing of spirituous, vinous or malt liquors in Fayette county.

Sec. 26. Any person violating any of the provisions of sections 11, 15, 17, 21, 22, 23, 24 and 27 of this act

shall be guilty of a misdemeanor and upon conviction shall be fined not less than twenty-five nor more than five hundred dollars and may be imprisoned in the county jail or sentenced to hard labor for the county for not more than six months.

Sec. 27. It shall be unlawful for any person to loiter around such dispensary or on the premises thereof, and it shall also be unlawful for the manager to allow or permit persons to loiter around the same.

Wm. M. Cannon.

The State of Alabama, }  
Fayette County. }

Personally appeared before me, Chas. W. Sanders, a notary public in and for said county and State, R. J. Smith, known to me to be the printer and publisher of the Fayette Banner, a newspaper, known by me to be published in said county and State, who being by me first duly sworn, says on oath, that he, affiant, R. J. Smith, is the printer and publisher of the Fayette Banner, a newspaper, and that said Fayette Banner is published in Fayette county, Alabama, and that the notice, a copy of which is hereto attached, to apply for the passage by the Legislature of Alabama, of a law as set out in said notice, has been published in said Fayette Banner, newspaper, once a week for four consecutive weeks while said newspaper was being published in said county and State, and while affiant was printer and publisher thereof. Affiant further says that the publication as aforesaid was made during the months of December, 1906, and January, 1907, and that the same is now fully completed.

R. J. Smith,  
Printer and Publisher.

Sworn to and subscribed before me, this 18th day of January, 1907.

Chas. W. Sanders,  
Notary Public.

H. 670. To provide for and regulate the working of the public roads in Lee county, Alabama.

And sends the same to the Senate, with notice and proof attached and exhibited herewith as follows:

The State of Alabama, }  
 Lee County. }

Before me, J. O. Warren, a notary public in and for said county and State, personally appeared H. M. Wilson, known to me to be one of the editors and publishers of the Daily News, a newspaper published in Opelika, Lee county, Alabama, who being by me duly sworn, deposes and says that he is such editor and publisher of said newspaper, and that the following notice, to-wit:

#### NOTICE.

Notice is hereby given, that at the next session of the Legislature of Alabama a bill will be introduced, the substance of which will be: To authorize the court of county commissioners of Lee county, Alabama, to employ road foremen for the purpose of working the public roads of said county; to provide for bonds to be given by said foreman, and provide for the salary of said foreman, and prescribe the duties of said foreman, and provide for the discharge of said foreman by the court of county commissioners of said county; to fix the age limits of said road hands, and provide exemptions for road hands on account of disabilities, and specify the number of days each hand shall work in a year, and where he shall work, and provide for the payment of a road tax in lieu of work and for collection of same; to fix the manner of giving warning to road hands and provide for punishment of hands failing to work, and provide for the collection and disposition of fines collected from road hands for failure to work, and to provide for removal certificates where hands have worked part of their time in one district and removed to another; to authorize the court of county commissioners of said county to maintain teams, implements, machinery and tools, to work the public roads of said county, and provide for the care of same; to provide for supplies for said foreman, and empower said road foreman to dismiss hands failing or refusing to work properly, and to provide for the punishment of said hands failing or refusing to work properly by fine, and for disposition of

said fines; to provide for the disbursement of the road fund of said county, and prescribe the duties of the county treasurer in reference to said fund; to authorize the court of county commissioners of said county to borrow money to carry out the provisions of this act; to prohibit unlawful obstruction of the public roads of said county and provide punishment for same; to repeal conflicting laws.

R. C. Smith.

Was published once a week for four consecutive weeks in said newspaper before making this affidavit.

H. M. Wilson.

Sworn to and subscribed before me this 22 day of January, 1907.

J. O. Warren.

Notary Public for Lee County, Ala.

H. 618. To repeal an act entitled an act "To prohibit the manufacturing of vinous, spirituous or malt liquors or to sell, give away or otherwise dispose of vinous, spirituous or malt liquors, or other intoxicating beverages within six miles of Union Hill Baptist church in beat 17, of Henry county, passed by the General Assembly of Alabama, session of 1898-1899 and approved on the 21st day of February, 1899.

And sends the same to the Senate, with notice and proof attached and exhibited herewith as follows:

#### NOTICE.

Notice is hereby given that an application will be made to the next Legislature for the passage of the following law:

#### A BILL

To be entitled, an act (to repeal an act entitled an act), to prohibit the manufacturing of vinous, spirituous or malt liquors or to sell, give away or otherwise dispose of vinous, spirituous or malt liquors, or other intoxicating beverages within six miles of Union Hill Baptist church, in beat 17 of Henry county, passed by the General Assembly of Alabama, session of 1898-1899, and approved on the 21st day of February, 1899.



Section 1. That "An act to prohibit the manufacturing of vinous, spirituous or malt liquors, or to sell, give away or otherwise dispose of vinous, spirituous or malt liquors, or other intoxicating beverages within six miles of Union Hill Baptist church in beat 17, in Henry county," be and the same is hereby repealed.

Section 2. That all laws and parts of laws, in conflict with this law, be and the same are hereby repealed.

Section 3. That this act shall go into effect immediately upon its passage.

H. P. Calhoun,  
Hiram Metcalf.

The State of Alabama, }  
County of Houston. }

Before me, Nannie McAliley, a notary public in and for said county, personally came William F. Ussery, known to me to be the editor and manager of Wire-Grass Siftings, a newspaper published in said county, who, being duly sworn, says that he is the editor and manager of Wire-Grass Siftings, a weekly newspaper published at Dothan in said State and county, and that the attached notice was published once a week for four successive weeks in said newspaper before the making of this affidavit.

W. F. Ussery.

Sworn to and subscribed before me, this the 4th day of February, 1907.

Nannie McAliley,  
Notary Public.

H. 716. To authorize the town of Elba, in Coffee county, Alabama, to buy and sell spirituous, vinous and malt liquors, and to regulate the sale thereof.

And sends the same to the Senate, with notice and proof attached and herewith exhibited as follows:

#### NOTICE OF LEGISLATION.

Notice is hereby given that at the next session of the Legislature of Alabama, a bill will be introduced for enactment into a law, which law when passed will be in words and figures, substantially:

## "AN ACT, ETC.,

A bill to be entitled: An act to authorize the town of Elba in Coffee county, Alabama, to buy and sell spirituous, vinous and malt liquors, and to regulate the sale thereof." •

Section 1. Be it enacted by the Legislature of Alabama, That the town of Elba, in Coffee county, Alabama, shall have authority to conduct and carry on in its corporate name, in its corporate capacity, and in the manner herein provided, the business of buying and selling spirituous, vinous, and malt liquors.

The place at which said business is carried on shall be called a dispensary. Said municipality shall invest in said business a sum of money not less than three hundred dollars nor more than twenty-five hundred dollars. The liquors bought and sold as herein provided, shall be of the purest and best quality.

Section 2. The office of dispenser, for said dispensary, is hereby created who shall be elected within three months after the approval of this act by the board of commissioners hereinafter created. Said dispenser shall be a resident householder and free holder of said municipality and possess the qualifications of an elector under the general laws. The first dispenser to be elected for said office shall hold said office for a period of one year from the time of his election, and the terms of his successors shall be two years. Each dispenser shall hold office until his successor is elected and qualified.

Section 3. That the affairs and business of said dispensary shall be managed, controlled and conducted by a board of three commissioners, who shall each be a resident citizen, and householders and free holders of said municipality, and who shall possess the character and qualifications of electors under the general laws. That W. J. Bowden, W. W. Ham, Jr., and Y. W. Rainer be and they are hereby constituted said board of commissioners, and that the term of said W. J. Bowden shall expire on the 1st day of January, 1908; the term of said W. W. Ham, Jr., shall expire on the 1st day of January, 1909, and the term of said Y. W. Rainer shall expire on

the 1st day of January, 1910, and the successors of said commissioners whose terms have so expired shall be elected by the board of mayor and councilmen of said municipality at their last regular meetings of each year, and each of said commissioners to be so elected shall hold office for a term of three years from the commencement of his term. All vacancies occurring in said board of commissioners shall be filled by an election of the board of mayor and aldermen of said town at their next regular meeting after said vacancy shall occur, and such commissioner so elected shall perform the duties of commissioner for the unexpired portion of the term so filled. Said board of commissioners shall elect from their number at their first meeting in each year, a president, a secretary, and a treasurer for said board of commissioners, and shall require good and sufficient bonds from such secretary and treasurer, and cause said bond to be approved by the mayor and councilmen of the town of Elba, and each of said commissioners before entering upon the duties of his office shall take and subscribe an oath that he will faithfully discharge all of the duties imposed upon him by this act.

Section 4. That the money invested by said municipality in said business shall be turned over to said board of commissioners, who shall execute a receipt for the same, and who shall use the same solely for the purpose of purchasing a stock for said dispensary.

Section 5. That the dispenser elected under the second section of this act shall besides having the qualifications prescribed therein, be a man of moral character and sober habits, and he shall have charge and control of said dispensary under the supervision of said commissioners. Said board may remove said dispenser, and it shall be their duty to do so, for violation of any laws governing or applying to said dispensary, or any ordinance of said town of Elba regulating the same, not inconsistent with this act, or for any neglect of duty, and upon his term by the election of another person as dispenser. Said dispenser shall be required to take and subscribe an oath that he will faithfully and honestly discharge all duties required of him by this act, and he

shall also be required to give bond with good and sufficient sureties, to be approved by said commissioners, in such sum as said board may determine, to be not less than one thousand dollars, conditioned to faithfully account for all goods and moneys that may come into his hands as such dispenser, and for the faithful performance of all duties required of him by this act, and by such rules and regulations as the said commissioners may adopt. Said dispenser shall receive such salary as said commissioners may fix, not to exceed eight hundred dollars, and his compensation shall not be dependent upon the amount of sales.

Section 6. Said board of commissioners shall at all times keep a stock of spirituous, vinous or malt liquors, wines, beer, cider and other intoxicating liquors in such quantities as they may deem proper. The same shall be sold only for cash in quantities not to exceed four gallons and not less than one half pint, and the dispenser shall turn over all monies received by him on account of such sales to the secretary and treasurer of commissioners at the end of each day, and take his receipt for the same.

Section 7. That all accounts due by said dispensary for the maintainence and operation of the same shall be paid by the treasurer upon such demand being presented to the secretary and treasurer, and approved by a majority of said commissioners. The purchase of all stock for said dispensary shall be made by said commissioners, a majority of whom shall be required to concur in such purchase. That all purchases shall be made for cash.

Section 8. That said board of commissioners shall make from time to time rules and regulations for the operation of said dispensary not in conflict with the provisions of this act and the laws of the State of Alabama, and said commissioners and dispenser shall at all times in the management and conduct of said dispensary conform to the laws of the State of Alabama regulating the sale of spirituous, vinous and malt liquors, and the said dispenser shall conform to all of the regulations that said board of commissioners may enact for the control,

management and conduct of said dispensary, which are not in conflict with the laws of this State.

Section 9. That no spirituous, vinous or malt liquors shall be drank in the building or on the premises where said dispensary is located.

Section 10. That said dispensary shall not be opened on any day before six o'clock and shall be closed on each day by six o'clock in the evening, and it shall not be opened on Sundays and election days, and on such other days as the commissioners or a majority of them shall direct the same to stand closed.

Section 11. That the dispenser shall not sell to any person or persons any spirituous, vinous or malt liquors, wines, ciders, beer, or other intoxicating liquors except in sealed packages and the said dispensary shall not keep any broken packages and the said dispensary whenever a package is broken it shall be at once bottled and sealed and sold by the dispenser in such sealed condition.

Section 12. That said dispenser shall make a monthly report to said board of commissioners showing the exact financial condition of said dispensary, and the said board of commissioners shall at any time when they see proper make an investigation of the correctness of said report and check up the balance of matters pertaining to said dispensary.

Section 13. That the dispenser shall not allow, and it is hereby made unlawful, for any person or persons to loiter in or about said dispensary, or on the premises where the same is situated, and for failure to enforce this section said dispenser shall be removed from office.

Section 14. That the mayor and town council of the town of Elba shall have power and authority to pass all ordinances to carry out the provisions of this act, and to provide suitable penalties for the violation of any of the provisions of this act.

Section 15. That the board of commissioners of said dispensary shall appropriate twenty per cent. of the net profit of said dispensary to the public schools of the county of Coffee, said twenty per cent to be applied to the use and support of those schools embraced in the

public school districts outside of those of the towns of Elba, Enterprise and Brockton, and the same shall be applied to said schools in the same proportion as the public school funds derived from other sources are applied. Said 20 per cent shall be paid to the persons entitled to receive the same as provided by law. That the remainder of said net proceeds of said dispensary shall be paid into the treasury of said town and become a part of the general funds of said town of Elba. That said sums shall be so appropriated and paid as aforesaid quarterly or four times a year.

Section 16. That said board of commissioners shall at the end of each quarter, and at the same time when they make said appropriations and pay said money as directed by the preceding section, make and file with the mayor and council of said municipality a full and complete report of all purchases, receipts, expenditures and disbursements for the preceding three months, so that a fair account of the business may be shown thereby. Said report shall be published in a newspaper for at least one week upon the filing of the same.

Section 17. That the mayor and council are authorized and empowered to pass ordinances for the enforcement of the provisions of the last preceding section, with penalties for its violation.

Section 18. That the commissioners provided for in this act shall receive each a salary of \$25.00 per annum, and the secretary and treasurer shall be paid \$25.00 per annum additional. Said salaries to be paid out of the net proceeds of said dispensary.

Section 19. That on and after the passage of this act the city council of the town of Elba, and other officers of said town are hereby prohibited from issuing, granting or renewing any license for the sale of spirituous, vinous, or malt liquors within the corporate limits of said town.

Section 20. That for the breach of either of the bonds to be executed under the provisions of this act suit may be instituted thereon in the name of the town of Elba for the use of said town and the persons entitled to receive that portion of the net proceeds to be used for school purposes, and the recovery therein shall be paid

according to the interests of said town and persons therein.

Section 21. That the commissioners or either of them may be impeached by the mayor and council, upon at least five days' notice, with specifications in writing of the charges preferred, for any malfeasance, willful misconduct or neglect of duty or for the violation of any law or ordinance regulating or pertaining to said dispensary, but the right of appeal shall be had in favor of either of the parties to the circuit court to be taken as provided for appeals from the justice courts in civil cases.

Section 22. That no spirituous, vinous and malt liquors, wines, ciders, beers or other intoxicating drinks of any kind shall be sold within the incorporated limits of said town except as herein provided.

Section 23. That all laws and parts of laws in conflict with this act or any part hereof be and the same are hereby repealed.

#### NOTICE AND PROOF.

The State of Alabama, }  
Coffee County. }

Before me, S. N. Rowe, probate judge of Coffee county, Alabama, personally appeared, on this day, M. S. Carmichael, who having been by me first duly sworn, deposes and says: That he is the editor and proprietor of the Twice-A-Week Elba Clipper, and that the hereto attached notice of the introduction of proposed local legislation to establish a dispensary for the sale of vinous, malt and spirituous liquors in and for the town of Elba, Ala., was published in said newspaper for four consecutive weeks in the issues of such paper of December 21st, and December 28th, 1906; and in the issues of January 4 and January 11, 1907, and that said notice was published without change in its contents, and through the entire issue of each of said aforementioned dates, and further that said aforementioned newspaper is published in the town of Elba and county of Coffee. M. S. Carmichael.

Sworn to and subscribed before me this the 21st day  
of January, 1907.

S. N. Rowe,  
Probate Judge, Coffee County.

H. 746. To authorize all towns and cities that are now or may hereafter be incorporated in the territory now known and described as precinct number three in Elmore county, Alabama, to buy and sell spirituous, vinous and malt liquors, and to provide for the distribution of certain profits arising therefrom, and to further regulate or prohibit the sale of such liquors in said precinct.

And sends the same to the Senate with notice and proof attached and therewith exhibited as follows:

#### NOTICE OF LOCAL BILL.

Notice is hereby given that at the next session of the Legislature of Alabama, beginning on the second Tuesday in January, 1907, a bill will be introduced for passage substantially as follows:

#### A BILL

To be entitled an act to authorize all towns and cities that are now or may hereafter be incorporated in the territory now known and described as precinct number three in Elmore county, Alabama, to buy and sell spirituous, vinous and malt liquors and to provide for the distribution of certain profits arising therefrom, and to further regulate or prohibit the sale of such liquors in said precinct.

Be it enacted by the Legislature of Alabama, as follows, to-wit:

Section 1. Every town or city that is now or may hereafter be incorporated in precinct three of Elmore county shall have authority to conduct and carry on in its corporate name in its corporate capacity and through its legislative body, the business of buying and selling spirituous, vinous and malt liquors, subject to



the conditions and restrictions hereinafter mentioned. The place at which said business is carried on shall be called a dispensary. In each of said towns and cities which has a population of ten thousand or less there shall be one dispensary, and only one. In towns or cities having a population greater than ten thousand and not exceeding twenty thousand there may be two dispensaries.

In general, there may be in each city a dispensary for every ten thousand of its population. Cities whose population is over twenty thousand and between multiples of ten thousand, may have a dispensary for every ten thousand of its population, and an additional dispensary for the excess of its population over the lower one of said multiples. The population of towns and cities shall be determined by the last preceding census. These dispensaries shall be carried on only within the corporate limits of such towns or cities. Each of said municipalities shall invest in said business a sum of money not less than three hundred dollars nor more than twenty-five hundred dollars for each dispensary it may carry on. The liquors bought and sold, as herein provided, shall be of the purest and best quality.

Section 2. The office of dispenser is hereby created, and there shall be a dispenser for each dispensary that may be established. The first dispensers shall be elected within thirty days after the incorporation of any town or city within said precinct three, Elmore county, and their terms of office shall begin on the day of such election and shall continue until the first day of January thereafter. The terms of their successors in office shall be two years. Each dispenser shall hold office until his successor is elected and qualified.

Section 3. For the purpose of aiding as hereinafter prescribed, in the selection of dispensers, meetings of the court of county commissioners of said county shall be called whenever necessary, at any regular or called meeting of said court that may be held after the incorporation of any town or city in said precinct three, Elmore county, and at any regular or called meeting of said court that be held between the last day of Septem-

ber and the 15th day of December every two years thereafter said court of county commissioners shall furnish to the mayor or other chief executive of their towns or cities the names of three times as many men as the number of dispensaries to which their several towns and cities are entitled, specifying the men who are furnished or apportioned to each town or city in their county. These men shall be residents of precinct number three, Elmore county, shall be twenty-one years of age, and shall be esteemed as honest, temperate, law abiding and competent to carry on the dispensary in said towns or cities. Before the first day of the first term of office, and before the first day of each succeeding term of office herein provided for, the legislative body of each of said towns and cities shall, from the names so furnished, elect a dispenser or dispensers for their city or town. Each dispenser, under the direction and control of the town or city in which his dispensary is situated, shall buy and sell liquors and carry on the dispensary for the term of two years, and until his successor is elected and qualified; provided the first dispenser shall hold office and carry on said business from the date of his election until January 1 thereafter, and until his successor is elected and qualified.

Each town or city having a dispensary shall provide its dispenser with whatever money within the aforesaid limits that it wishes him to use in conducting the business. Before entering upon the duties of his office each dispenser shall make affirmation before an officer authorized to administer oaths that he will obey all laws of the State of Alabama, and of the town or city of which he is dispenser relative to the sale, giving away or delivery of liquors of any kind. He shall also before beginning business execute to his own town or city a bond conditioned for the honest and faithful discharge of his duties as such dispenser. Such bond shall have two sufficient sureties and be approved by the mayor or other chief executive of said town or city. For neglect of business, incompetency, misfeasance or malfeasance in office a dispenser may be impeached by the legislative or governing body of said town or city of which he is dis-

penser; and for cause, to be judged of by said body, said dispenser may be removed from office. Whenever a vacancy in said office occurs in any town or city, from any cause whatever, the mayor or other chief executive of such town or city shall certify that fact to the judge of probate of said county. Said judge shall immediately call a meeting of the court of county commissioners of his county, and said court shall furnish to the said mayor or chief executive for selection, as aforesaid, to fill such vacancy, the names of three men having the aforesaid qualifications for a dispenser, and from these names the legislative body of said town or city shall elect a dispenser to fill the vacancy.

Section 4. The legislative or governing body of the towns and cities in which dispensaries may be carried on shall pay to their several dispensers a salary which shall be fixed by said body before the dispensers are elected. Said salary shall not be less than one hundred dollars per annum nor more than twelve hundred dollars per annum, and shall be paid in equal monthly installments on the first day of each month. Said legislative body shall not make or permit the amount of said salary to depend on the amount of sales that may be made by its dispenser or dispensers.

Section 5. The dispenser shall not sell any liquor of any kind in any quantity less than one-half pint. He shall not make more than one sale to the same person in one day, and he shall not make any sale between the hours of 6 p. m. of one day and 6 a. m. of the next day.

Section 6. Said dispenser shall not himself drink, consume or give away liquor of any kind or in any quantity on the premises on which said business is conducted. Said dispenser shall not permit or suffer any person whomsoever to drink, consume or give away any liquor on said premises, but this section shall not be construed so as to prohibit the dispenser or some employe designated by him from sampling liquors which he may contemplate purchasing. Said dispenser shall report to the grand jury any one whom he believes to be guilty of violating the provisions of this section.

Section 7. Any person who drinks or consumes any liquor on said premises, except as permitted in section six (6) of this act, shall be guilty of a misdemeanor, and on conviction shall be fined not less than fifteen nor more than one hundred dollars.

Section 8. The dispenser shall not sell any spirituous, vinous or malt liquors or intoxicating drinks of any kind that are not contained in sealed packages. He shall not receive or keep any broken packages in his dispensary. If any original package should be broken the contents shall be bottled and the bottle sealed.

Section 9. The dispenser shall buy and sell for cash only. He shall keep an accurate account of his purchases and the amount of each day's sales. He shall make to the legislative body of the town or city in which he is conducting a dispensary and to the probate judge monthly reports, itemized, giving full and accurate information as to the condition, expense, profits, losses and status of the business. He shall make other and additional reports, oral or in writing, whenever and as often as the legislative body of his town or city or any member of said body may require. Subject to the provisions of this act, such legislative body may regulate and control the conduct and management of said business. On the 30th day of September of each year, beginning with the 30th day of September of the year in which such dispensaries shall be established said cities and towns doing business under this act shall pay to the county superintendent of education fifty per cent of the net profits of the several dispensaries, after deducting all the expenses of operating the dispensaries. The county superintendent of education of said county shall apply the funds so received by him to the township and district schools in said county in the same proportion as the public school fund of the State is distributed.

Section 10. No spirituous, vinous or malt liquors or intoxicating drinks shall be sold in said precinct except as herein provided. But nothing in this act shall be construed as to prevent any person who manufactures spirituous, vinous or malt liquors in a brewery or distillery from selling the same by wholesale in sealed packages

to dispensers or to liquor dealers who may be otherwise authorized to sell such liquors outside of said precinct. Any person who violates the provisions of this section shall be guilty of a misdemeanor, and on conviction shall be fined not less than fifty nor more than one hundred dollars, or be sentenced to hard labor for the county for a period of not more than six months.

Section 11. The term legislative body where it appears in this act is intended to include the law-making bodies of the towns and cities mentioned, whether the said body is called mayor and aldermen, board of mayor and aldermen, council, town council, city council, independent and town council, or by some other name.

Section 12. No gates, doors, windows or other openings shall connect any dispensary with any adjacent house or lot so as to permit ingress or egress into and out of such house or lot from and into the dispensary.

Section 13. All laws and parts of laws that conflict with the provisions of this act are hereby repealed.

Section 14. This act shall go into effect on its approval by the governor.

T. R. Cantey.

The State of Alabama }  
Elmore County. }

Before me, J. C. McKenzie, a notary public, in and for said State and county, personally appeared F. L. McKenzie, editor and publisher of the Tri-County Weekly, who being by me duly sworn deposes and says that he is the editor and publisher of The Tri-County Weekly, a newspaper published in Elmore county, Alabama, and that he was such editor and publisher during the months of January and February, 1907, and that the above and foregoing notice of an intention to apply for the passage of a law authorizing all towns and cities that are now or may hereafter be incorporated in territory now known and described as precinct three (3) in Elmore county, to buy and sell spirituous, vinous, and malt liquors, and to provide for the distribution of certain profits arising

therefrom, and to further regulate or prohibit the sale of such liquors in said precinct, was published in said Tri-County Weekly in the said county of Elmore for four consecutive weeks begining on the 19th of January, 1907.

F. L. McKenzie.

Sworn to and subscribed before me this the 14th day of February, 1907.

J. C. McKenzie,  
Notary Public.

H. 455. To create, establish and maintain an inferior court of record in and for the county of Covington; to define and provide for the powers, jurisdiction and procedure thereof; and to provide for officers thereof, and their compensation.

And sends the same to the Senate, with notice and proof attached and herewith exhibited as follows:

#### NOTICE OF BILL.

Notice to whom it may concern:

You will take notice that at the next session, 1907, of the Legislature of the State of Alabama a bill will be introduced and an effort made to have the same enacted into a law to create and establish an inferior court of record in and for Covington county, prescribing the powers and jurisdiction of said court and to provide for the election of the officers thereof, which will be in substance, to-wit: An act, to create, establish and maintain an inferior court of record in and for Covington county, to define the powers and jurisdiction thereof, and name and style the court, and define the procedure of said court and provide therefor; to provide for the election of the officers thereof, define their qualifications, authority, and duties, and to fix and define their compensation and provide therefor; providing for the time and place of holding terms of said court, both jury and non-jury terms, how and when to secure jury trials, prescribe how and when jurors for said court shall be drawn and provide for the pay of jurors; providing how prosecutions and civil causes may be instituted in said

court, and the procedure therein; providing for the transfer of all misdemeanor and quasi criminal causes which are now or may hereafter be pending in circuit court of Covington county to said court for trial therein; providing that all warrants issued in said county in misdemeanor cases and quasi criminal cases of which justice courts have not final jurisdiction, or in cases where a jury is demanded before such courts, or where in like cases such courts or the justices thereof for any legal cause cannot proceed to a speedy trial therein, the same shall be returned to said inferior court and such prosecution tried therein; to define and provide for fees and costs in all causes in said court and the manner of taxing and collecting the same, providing that said court shall exercise original and concurrent jurisdiction in and throughout said county with the circuit court and justice courts thereof in all civil causes, both ex contractu and ex delicto, and in all misdemeanor and quasi criminal causes, and providing that said inferior court shall not have jurisdiction in felony prosecutions or civil causes of libel, slander, assault and battery, ejectment or the statutory action in the nature of ejectment, or other civil causes, where the amount claimed in the pleadings exceed one thousand dollars; providing for all necessary process from and to said court and the execution and return thereof; providing that all appeals from justice court or courts of like jurisdiction in said county shall be returnable to and tried in said court, providing that all appeals from judgments in said courts be taken directly to the supreme court of the State of Alabama, and defining and providing the procedure therein; providing that said court shall be open at all reasonable times except on Sunday for the granting and entering of judgments by default, taking pleas of guilty and disposing of the same, issuing all process, and the transacting of any ex parte and other business which is a matter of course; providing for the regulation of the fine and forfeiture in and arising from said court or before the grand jury of said county in misdemeanor cases, and when and how the same shall be paid;

providing when the act shall go into effect; and repealing all laws and parts of laws in conflict therewith. December 15th, 1906.

PROOF OF NOTICE OF BILL.

The State of Alabama, }  
Covington County. }

Before me, J. M. Robinson, Jr., judge of probate in and for said county, personally appeared A. Whaley, Esq., of Andalusia, Alabama, who is known to me and who being by me first duly and legally sworn, doth, on oath, depose and say, that he is one of the editors, owners and publishers of the Andalusia Times, a newspaper published at Andalusia, in said Covington county, that said paper is published weekly, that the above and foregoing notice hereto attached was inserted and published in said newspaper for (4) four consecutive weeks beginning with the issues of said paper of December 19th, December 26th, 1906, and January 2nd and 9th, 1907, making in all four regular weekly issues of said paper, as the same is usually and regularly published, as aforesaid.

A. Whaley.

Sworn to and subscribed before me on this 15th day of January, A. D., 1907.

J. M. Robinson, Jr.,  
Probate Judge.

Cyrus B. Brown,  
Clerk.

HOUSE MESSAGE.

The House bills in the foregoing House message were severally read once and referred to appropriate standing committees as follows:

516, to Revision of Laws.

538, 670 and 455, to Local Legislation.

748, 366, 618, 716 and 746, to Temperance.

H. 610, to Finance and Taxation.



## MESSAGE FROM THE GOVERNOR.

To the Senate:

I herewith return Senate bill No 16 entitled an act to fix and establish the maximum rates to be charged by railroads now operating or which may hereafter operate, as common carriers in whole or in part in the state of Alabama, for the transportation, originating and terminating within the state of certain articles, and for this purpose to classify said articles and said railroads, "and I propose the following amendments which will remove my objections thereto:

Amend section 4 of the bill by adding at the end thereof, immediately before section 5 the following:

"The maximum rates which shall be charged by any railroad for the transportation, originating and terminating within this State, of fertilizers, in bulk or bags, cotton seed meal, cotton seed ashes or oil cake, without percentage, (car-load to consist of not less than 30,000 pounds) for the distance hereinbelow specified, shall be as follows per ton of 2,000 pounds, when shipped in car-load lots at carriers risks, and no railroad in any class shall be allowed to charge any higher or greater rate.

For 6 miles and under, 40 cents; 10 miles and over five miles, 40 cents; 15 miles and over 10 miles, 50 cents; 20 miles and over 15 miles, 60 cents; 25 miles and over 20 miles, 70 cents; 30 miles and over 25 miles, 75 cents; 36 miles and over 30 miles, 75 cents; 40 miles and over 35 miles, 75 cents; 45 miles and over 40 miles, 75 cents; 50 miles and over 45 miles, 75 cents; 55 miles and over 50 miles, 75 cents; 60 miles and over 55 miles, 75 cents; 65 miles and over 60 miles, 75 cents; 70 miles and over 65 miles, 75 cents; 75 miles and over 70 miles, 75 cents; 80 miles and over 75 miles, 80 cents; 85 miles and over 80 miles, 85 cents; 90 miles and over 85 miles, 90 cents; 95 miles and over 90 miles, 95 cents; 100 miles and over 95 miles, \$1.00; 105 miles and over 100 miles, \$1.05; 110 miles and over 105 miles, \$1.10; 115 miles and over 110 miles, \$1.15; 120 miles and over 115 miles, \$1.20; 125 miles and over 120 miles, \$1.25; 130 miles and over 125

miles, \$1.30; 135 miles and over 130 miles, \$1.35; 140 miles and over 135 miles, \$1.40; 145 miles and over 140 miles, \$1.45; 150 miles and over 145 miles, \$1.50; and for any distance over one hundred and fifty miles, one cent per ton per mile. For one ton or more less than a car load, twenty per cent (20 per cent.) may be added to the rates above specified and provided for."

Amend the schedule of classification of freight in section 3 of the bill by striking out of the same the following words, figures and letters:

"Cotton seed meal, ashes and oil cake (car-load to consist of not less than 30,000 lbs.)—K. Minus 10 per cent. Also, "Fertilizers, without percentage, (car-load to consist of not less than 30,000 lbs.)—K minus 10 per cent. M minus 10 per cent."

Amend the schedule of classification of freight in section 3 of the bill by striking out the words, "and crated" after the words, "wagon or carts, farm or lumber, knocked down," and inserting in lieu thereof the words, "in any quantity, actual weight," and by inserting before the words "knocked down," the word "thoroughly."

Also, amend said schedule of classification of freight in said section 3 by inserting after the words, "wagon, or carts" where they appear the second time in said schedule, the words, "other than farm or lumber."

Also amend said schedule of classification of freight in said section 3 by striking out the letter "P" opposite the words, "Logs, saw logs," and in the first column under the caption "when shipped in less than car-load lots and at carrier's risk," and inserting the letter "P" opposite said words, "Logs, saw logs," and in the third column under the caption, "when shipped in car-load lots and at carrier's risk."

Also amend said schedule of classification of freight in said section by striking out the words, "Tile, drain and roofing," where they appear in said schedule and inserting in lieu thereof the following words, "Tile, and pipe, earthen, drain or roofing (car load to consist of not less than 25,000 pounds)", and by striking out the letter "P" opposite said words, "tile, drain or roofing" and in the second column under the caption, "When

shipped in less than car-load lots and at owner's risk," and inserting the letter "P" opposite said words, "Tile, drain or roofing," and in the third column under the caption, "When shipped in car-load lots and at carrier's risk."

Feb., 1907.

B. B. Comer,  
Governor.

#### GOVERNOR'S MESSAGE.

On motion of Mr. Lusk, the Senate adopted and concurred in the amendments proposed by the governor to S. 16, the title of which, and the proposed amendment thereto is set out in the foregoing message from the governor.

Yeas, 19; nays, 1.

Yeas:

Messrs:

Davis	Horton	Miller	Reynolds
Gardner	Leith	Moody	Thomas
Glenn	Lowe	McWhorter	Wilson
Hamner	Lusk	Overton	Wimberly.
Heacock	Merritt	Reid	

—19.

Nays: Mr. Blackmon—1.

Which was a majority of the whole number elected to the Senate.

#### MESSAGE FROM THE GOVERNOR.

To the Senate:

I herewith return Senate bill 106, entitled an "Act to require and authorize the railroad commission to prescribe rules, regulations and requirements for the issuance and use of interchangeable mileage tickets and coupon tickets on and over lines of transportation of railroad common carriers of passengers in this State, and punish any violation of such orders, rules, regulations and requirements."

And I suggest the following amendments which will remove my objections thereto- viz.:

Amend section 2 by striking out the word "or" in line four of said section between the word "books" and the word "all," and inserting in lieu thereof the word "of."

Feb. 23, 1907.

B. B. Comer, Governor.

#### GOVERNOR'S MESSAGE.

On motion of Mr. Reid, the Senate adopted and concurred in the amendment proposed by the governor to S. 106. The title of which, and the proposed amendment thereto, is set out in the foregoing message from the governor.

Yeas, 19; nays, 0.

Yeas:

Messrs:

Barbour	Hamner	Lusk	Reynolds
Bayles	Heacock	Merritt	Thomas
Davis	Hinson	Miller	Wilson
Gardner	Jones	Moody	Wimberly
Glenn	Leith	Reid	

—19.

Which was a majority of the whole number elected to the Senate.

#### MESSAGE FROM THE GOVERNOR.

To the Senate:

I herewith return Senate bill No. 18, entitled an "Act to prevent any officer, agent or employee of any person, company or corporation owning or operating as a common carrier any railroad in whole or in part in this State, from charging or receiving for the transportation, originating and terminating within the State, of any article a greater or higher rate of compensation than that established by statute, where a rate for the transportation of such article has been established by statute, or from refusing to receive such article for transportation at the rate established by statute, or from refusing to receive such article for transportation at the rate established by statute," and suggests the fol-

lowing amendment, which will remove my objection thereto:

Amend said bill by adding thereto the following section after section 2:

"Sec. 3. That this act shall go into effect immediately upon its passage and approval."

Feb. 23, 1907.

B. B. Comer,  
Governor.

#### GOVERNOR'S MESSAGE.

On motion of Mr. Lusk the Senate adopted and concurred in the amendments proposed by the governor to S. 18. The title of which, and the proposed amendment thereto is set out in the foregoing message from the governor.

Yeas, 20; nays, 0.

Yeas:

Messrs:

Bayles	Heacock	Merritt	Reid
Davis	Horton	Miller	Reynolds
Gardner	Jones	Moody	Thomas
Glenn	Leith	McWhorter	Wilson
Hamner	Lusk	Overton	Wimberly

—20.

Which was a majority of the whole number elected to the Senate.

#### BILLS ON THIRD READING.

The bill:

S. 293. To fix the salary of the marshal and librarian of the supreme court and to make appropriation therefor.

Was read a third time at length and passed.

Yeas, 20; nays, 0.

Yeas:

Messrs:

Barbour	Heacock	Lusk	Reynolds
Blackmon	Hinson	Merritt	Thomas
Gardner	Jones	Moody	White
Glenn	King	Overton	Wilson
Gunn	Lowe	Reid	Wimberly

—20.

And same ordered forthwith to the House without engrossment.

H. 685. To establish a law and equity court for Madison county.

Was read a third time at length and passed.

Yeas, 21; nays, 0.

Yeas:

Messrs:

Barbour	Heacock	Lusk	Reid
Doster	Hinson	Merritt	Reynolds
Forrester	Jones	Miller	Strother
Gardner	Leith	Moody	Thomas
Glenn	Lowe	Overton	Wilson
Gunn			

—21.

The bill:

S. 165. To establish a State livestock sanitary board and the office of State veterinarian in order to further protect livestock from contagious and infectious diseases and provide for eradicating and excluding such diseases from Alabama.

Was taken up.

The following substitute offered by the committee for said bill:

#### A BILL

To be entitled an act, to establish a State livestock sanitary board and the office of State veterinarian in order to further protect livestock from contagious and infectious diseases and provide for eradicating and excluding such diseases from Alabama.

Section 1. Be it enacted by the Legislature of Alabama, That from and after the passage of this act, the commissioner of agriculture and industries of the State of Alabama, the State health officer of Alabama, the professor of animal industry and the professor of veterinary science, of the Alabama Polytechnic Institute, shall, ex-officio, constitute a board to be known as the State Livestock Sanitary Board. The commissioner of agriculture and industries shall be chairman and the veterinarian on the board shall act as secretary of the

board. The State livestock sanitary board shall have full power to make or enact such rules and regulations as they may deem necessary for governing the movement, transportation, or disposition of livestock that may be quarantined as hereinafter provided, on account of being affected with, or exposed to, a contagious, or communicable disease, or on account of being infected or infested with the carrier or the carriers of the cause or the causes of a contagious, infectious or communicable disease of livestock.

Sec. 2. Be it further enacted, That the professor of veterinary science of the Alabama Polytechnic Institute, shall act as State veterinarian of Alabama. The State veterinarian shall nominate, and the State livestock sanitary board shall elect, as many assistant State veterinarians and State livestock inspectors as they may deem necessary and as the funds at their disposal shall permit.

Sec. 3. Be it further enacted, That the State veterinarian is authorized and directed to quarantine a stall, lot, yard, barn, pasture, field, farm, town, city, township, county or any part of the State of Alabama when he shall determine the fact that livestock in such place or places are affected with a contagious infectious, or communicable disease, or when said livestock are infested or infected with the carrier or the carriers of a contagious, infectious or communicable disease. The State veterinarian or an assistant State veterinarian shall give written or printed notices of the establishment of said quarantine to the owners or keepers of said livestock, and to the proper officers of railroad, steamboat, or other transportation companies doing business in or through the quarantined part or parts of the State.

Sec. 4. Be it further enacted, That no railroad company, or the owners or masters of any steam or other vessel or boat shall receive for transportation or shall transport livestock from any quarantined part into any other part of Alabama except as hereinafter provided. No person, corporation or company shall deliver livestock for transportation to any railroad company or sailing or steam vessel or boat in a quarantined part of

Alabama, except as hereinafter provided. No person, company or corporation shall drive or cause to be driven, livestock on foot, or transport livestock in a private conveyance, or cause livestock to be transported in a private conveyance from a quarantined part to a non-quarantined part of Alabama, except as hereinafter provided.

Sec. 5. Be it further enacted, That livestock may be moved within the limits of a quarantined part or from a quarantined part of Alabama only under and in compliance with, the rules and regulations of the State livestock sanitary board. It shall be unlawful to move or to allow to be moved, any livestock from one place to another within the limits of a quarantined part or from a quarantined part to a non-quarantined part of Alabama, in any other manner or method, or under any conditions other than those prescribed by the rules and regulations of the State livestock sanitary board.

Sec. 6. Be it further enacted, That all livestock, except such livestock as are to be used for immediate slaughter, when brought into Alabama by a person, company, corporation, railroad or other transportation companies, shall be accompanied by a certificate of health, and said certificate shall state that said animal or animals are free of contagious, infectious or communicable disease and the carrier or the carriers of the cause or the causes of such diseases. This certificate must be made by a qualified veterinarian immediately after he has personally examined the livestock and before the livestock has been shipped into Alabama. This certificate shall be attached to, and accompany, the shipping bill of the livestock to the place to which the livestock is shipped, and the owner of the livestock or agent of the transportation company shall mail or send said certificate to the State veterinarian, immediately following the arrival of the livestock at its place of destination. The State veterinarian shall furnish qualified veterinarians and transportation companies with blank health certificates at actual cost.

Sec. 7. Be it further enacted, That owners, renters, or parties in possession of quarantined livestock or



quarantined places shall follow the directions in the rules and regulations of the State livestock sanitary board in cleaning and disinfecting infected livestock and infested or infected quarantined places, and in destroying the carriers of the cause of a contagious, infectious or communicable disease, that infest or infect livestock and quarantined places. Said cleaning of said livestock and the disinfecting of said places and destroying of said carriers, shall be done by the owners, or the parties in possession of the infected livestock and places in a reasonable time after receiving a written or printed notice from the State veterinarian, an assistant State veterinarian, or a State livestock inspector. Any person, company or corporation violating the provisions of this section shall be guilty of a misdemeanor and on conviction shall be punished for each and every violation by a fine of not less than ten dollars, nor more than one hundred dollars, or by imprisonment not less than ten days nor more than sixty days, or by both such fine and imprisonment.

Sec. 8. Be it further enacted, That the State veterinarian, the assistant State veterinarian and the State livestock inspectors are hereby empowered to enter upon the premises or into any barns or other buildings where livestock are temporarily or permanently kept in the State of Alabama in the discharge of the duties prescribed in this act. Any person or persons who forcibly assault, resist, oppose, prevent, impede, or interfere with the State veterinarian, an assistant State veterinarian, or a State livestock inspector in the execution of his or their duties, or on account of the execution of his or their duties, on conviction, shall be punished as provided in section 11 of this act.

Sec. 9. Be it further enacted, That the work of cattle tick eradication or the suppression or eradication of any other infectious, contagious or communicable disease of livestock shall be taken up under the provisions of this act in any county or part of a county or any part of the State of Alabama, when the State livestock sanitary board may deem it best. The county commissioners of the county in which the State or federal author-

ities take up the work of tick eradication or the suppression of any infectious, contagious or communicable disease of livestock, may appropriate, for aiding in such work, such sum as the county commissioners may deem adequate and necessary.

Sec. 10. Be it further enacted, That the State livestock sanitary board may appoint or elect federal veterinarians and livestock inspectors, who are doing work in Alabama, as assistant State veterinarians and State livestock inspectors; provided, they consent to act without pay from the State of Alabama.

Sec. 11. Be it further enacted, That any person, persons, company or corporation violating the provisions of sections 4, 5, 6, or 8 of this act, shall be guilty of a misdemeanor and on conviction, shall be punished by a fine of not less than fifty dollars, nor more than five hundred dollars, or by imprisonment of not less than one month, nor more than six months, or by both fine and imprisonment.

Sec. 12. Be it further enacted, That there is hereby appropriated annually the sum of five thousand dollars to be disbursed under the direction of the State livestock sanitary board to pay the actual expenses of the livestock sanitary board in attending meetings; to pay for the printing of the official blanks, the annual reports of the State veterinarian and the rules and regulations of the livestock sanitary board to pay the State veterinarian five hundred dollars per year and expenses while on actual duty, each assistant State veterinarian five dollars per day and expenses while on actual duty, and each State livestock inspector one to three dollars per day and expenses while on actual duty; and to pay such other expenses as may be necessary in carrying out the provisions of this act.

Sec. 13. Be it further enacted, That the judges of the circuit and criminal courts shall give this act in special charge to each future grand jury impaneled on this State, and that each such grand jury shall be clothed with, and authorized to, exercise inquisitorial power for the carrying out and enforcement of this act.

Sec. 14. Be it further enacted, That the State veterinarian shall make an annual report to the governor of Alabama, giving a full account of the work done and a detailed report of the money expended.

Sec. 15. Be it further enacted, That all laws not in accord with this act, are hereby repealed.

Was adopted.

Yeas, 21; nays, 0.

Yeas:

Messrs:

Davis	Horton	Merritt	Reid
Gardner	Jones	Miller	Reynolds
Glenn	Leith	Moody	Thomas
Gunn	Lowe	McWhorter	White
Heacock	Lusk	Overton	Wilson
Hinson			

—21.

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 20; nays, 0.

Yeas:

Messrs:

Davis	Heacock	Lusk	Overton
Doster	Hinson	Merritt	Reid
Gardner	Horton	Miller	Reynolds
Glenn	Jones	Moody	Wilson
Gunn	Leith	McWhorter	Wimberly

—20.

The bill:

S. 91. Requiring teachers in the public schools of this State to give thirty days notice to the county board of education, or to the district trustees, upon resigning their positions.

Was read a third time, at length, and passed.

Yeas, 21; nays, 1.

Yeas:

Messrs:

Barbour	Heacock	Lusk	Reynolds
Davis	Hinson	Merritt	Teasley
Doster	Horton	Miller	Thomas
Gardner	Jones	McWhorter	Wilson
Glenn	Leith	Reid	Wimberly
Gunn			

—21.

Nays: Mr. Blackmon—1.

The bill:

S. 213. To amend section 2942 of the Code of Alabama, 1896.

Was read a third time, at length, and passed.

Yeas, 18; nays, 1.

Yeas:

Messrs:

Barbour	Heacock	Merritt	Reid
Davis	Jones	Miller	Reynolds
Doster	Leith	Moody	Thomas
Gardner	Lowe	Overton	Wilson
Hamner	Lusk		

—18.

Nays: Mr. Hinson—1.

The bill:

S. 320. To amend section 17 of an act entitled an act to provide for the holding the elections on the question of changing of county seats, and in the event of a majority of qualified electors of the county voting at such election shall vote in favor of changing or locating county seats to provide for changing or locating county seats under the erection of necessary county buildings and to provide for the necessary county officers.

Was read a third time, at length, and passed.

Yeas, 19; nays, 0.

Yeas:

Messrs:

Blackmon	Gunn	Leith	Reid
Davis	Hamner	Lusk	Reynolds
Doster	Heacock	Merritt	Wilson
Gardner	Horton	McWhorter	Wimberly.
Glenn	Jones	Overton	—19.

And same was ordered sent forthwith to the House without engrossment.

The bill:

H. 167. To authorize the establishment of State depositories for State funds, to authorize State and county officers to deposit State funds therein, to provide for the regulation and control of such depositories, to provide security for the funds deposited therein; and to provide penalties for the violation of the rules and regulations prescribed for the establishment, management and control of such institution.

Was read a third time, at length, and passed.

Yeas, 18; nays, 3.

Yeas:

Messrs:

Davis	Heacock	Merritt	Overton
Gardner	Horton	Miller	Reid
Glenn	King	Moody	Wilson
Gunn	Leith	McWhorter	Wimberly
Hamner	Lusk		

—18.

Nays: Messrs. Blackmon, Reynolds, Thomas—3.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The Speaker of the House having signed the following House bills your signature thereto is requested:

H. 174. To provide for the appointment by the court of county commissioners of Talladega county, Alabama, of an official stenographer for said county, to define his duties and provide for his compensation.

H. 374. For the improvement of the public roads of Tuscaloosa county.

H. 205. To appropriate the sum of ten thousand dollars for the completion of the school building of the fifth congressional district agricultural school located at Wetumpka, the main school building being destroyed by fire January 5th, 1906.

Cyrus B. Brown,  
Clerk.

#### SIGNING OF BILLS.

The President of the Senate in the presence of the Senate, immediately after their titles has been publicly read by the secretary, signed the above House bills, the titles of which are set out in the foregoing message from the House, the reading at length of said bills having been dispensed with, by a two-thirds vote of a quorum of the Senate present.

#### BILLS ON THIRD READING.

The bill:

S. 65. To provide a penalty for fraudulent enumeration of children by district trustees.

The following amendment offered by the committee:

In section one of the bill insert after the words "school district" where they occur in said bill the following words: "And it shall be unlawful for any county superintendent of education to knowingly and willfully make or certify to the State superintendent of education a false report of the number of children within the school age residing within their respective counties."

Was adopted.

Yeas, 22; nays, 0.

Yeas:

Messrs:

Barbour	Hamner	Merritt	Reid
Davis	Heacock	Miller	Reynolds
Doster	Horton	Moody	Thomas
Gardner	Jones	McWhorter	Wilson
Glenn	Leith	Overton	Wimberly
Gunn	Lusk		

—22.

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 20; nays, 0.

Yeas:

Messrs:

Davis	Heacock	Lusk	Overton
Doster	Horton	Merritt	Reid
Glenn	Jones	Miller	Reynolds
Gunn	Leith	Moody	Wilson
Hamner	Lowe	McWhorter	Wimberly

—20.

#### INDEFINITE POSTPONEMENT OF BILLS.

The bill:

S. 283. To amend section 9 of an act entitled an act to provide for the examination and regulation of the business of banking in the State of Alabama, approved October 10th, 1903.

Was taken up.

Mr. Merritt offered the following amendment to said bill:

"Amend by adding the following to section one: Provided that the actual necessary travelling expenses of each State bank examiner shall not exceed \$3.00 per day."

Which on motion of Mr. Teasley was laid on the table.

Mr. Gardner then offered the following amendment:

"Amend by striking out the word "two" preceding the words "bank examiners" and insert in lieu thereof the word "one."

Mr. Lusk moved to indefinitely postpone the bill and pending amendment. Which on motion prevailed.

Yeas, 16; nays, 5.

Yeas:

Messrs:

Barbour	Glenn	Lowe	Reid
Blackmon	Gunn	Lusk	Reynolds
Davis	Jones	Merritt	Teasley
Gardner	Leith	Overton	Wimberly

—16.

Nays:

Messrs:

Doster

Moody

Thomas

Wilson

Hamner

—5.

On motion of Mr. Wilson the Senate indefinitely postponed,

S. 119. To prohibit, regulate and restrict the sale or other disposition of intoxicating liquors, drinks or beverages within the State of Alabama by providing for elections in the various counties of the State to determine whether the sale or other disposition of such intoxicating liquors, drinks or beverages shall be so prohibited, regulated and restricted.

#### SPECIAL ORDER SET AND ORDER TO PRINT.

On motion of Mr. Miller,

S. 284. To further regulate municipal corporations, to confer additional rights, power and authority, on the same to prescribe the manner in which such rights, powers and authority may be acquired and conferred, and to provide the manner in which charters for such corporations may be obtained and amended.

The secretary was directed to have 500 copies of said bill printed for the use of the Senate.

#### JOINT RESOLUTION 52.

Mr. Merritt offered the following:

S. J. R. 52. Resolved by the Senate, the House concurring, that the President of the Senate and the Speaker of the House be requested to erase their signatures to House bill No. 96 for correction.

Which under a suspension of the rules was adopted.

#### RECONSIDERATION OF VOTE.

On motion of Mr. Barbour the Senate reconsidered the vote by which



S. 91. Requiring teachers in the public schools of this State to give thirty days notice to the county board of education, or to the district trustees, upon resigning their positions.

Passed the Senate, and on his motion the Senate reconsidered the vote ordering said bill to a third reading.

Mr. Barbour then offered the following amendment to-wit:

Amend by inserting between the word "month" and before the word "provided" the following words: "And that upon the request of the county board of education of the county in which the teacher violates his contract, the superintendent of education of the State of Alabama shall recall the license of said teacher for a period of twelve months.

Which was adopted.

Yeas, 20; nays, 1.

Yeas:

Messrs:

Barbour	Hinson	Merritt	Reid
Davis	Jones	Miller	Reynolds
Doster	Leith	Moody	Strother
Gardner	Lowe	McWhorter	Thomas
Gunn	Lusk	Overton	Wilson
Heacock			

—20.

Nays: Mr. Blackmon—1.

And said bill, as thus amended, was read a third time, at length, and passed.

Yeas, 19; nays, 0.

Yeas:

Messrs:

Barbour	Gunn	Lowe	Reid
Blackmon	Hamner	Lusk	Reynolds
Davis	Heacock	Moody	Thomas
Doster	Jones	McWhorter	Wilson
Gardner	Leith	Overton	

—19.

The bill :

S. 292. To authorize the chief justice to appoint a secretary and an assistant secretary for the supreme court and to fix their compensation and make appropriation therefor.

Was taken up.

The following substitute offered by the committee on Finance and Taxation, to-wit:

#### A BILL

To be entitled an act to authorize the chief justice and the associate justices of the supreme court to appoint two secretaries for the supreme court, and to fix their compensation and make appropriation therefor.

Section 1. Be it enacted by the Legislature of Alabama, That the chief justice and the associate justices of the supreme court may appoint two secretaries for the supreme court who shall hold office for the current term of the chief justice.

They may be removed by the chief justice of his own motion and must be removed upon the request of four associate justices. The vacancies may in like manner be filled for the unexpired term.

Section 2. That the secretaries shall perform such duties as may be prescribed by the justices.

Section 3. That the annual salary of the secretaries shall be \$1,650.00 each per annum, and the sum of \$1,650.00 each per annum is hereby appropriated for the payment of the salaries of the secretaries, but the appropriation herein made shall not be construed to be in addition to the appropriation heretofore made for the secretary of the supreme court, but in lieu thereof.

Was adopted.

Yeas, 18; nays, 1.

Yeas:

Messrs:

Barbour	Gunn	Merritt	Reynolds
Blackmon	Hamner	Miller	Teasley
Doster	Hinson	Overton	Thomas
Gardner	Jones	Reid	Wilson
Glenn	Leith		

Nays: Mr. Lusk—1.

Mr. Lusk then offered the following amendment to said substitute:

“Amend by striking out sixteen hundred and fifty, and make it read fifteen hundred.”

Which on motion of Mr. Thomas was laid on the table.

Yeas, 18; nays, 4.

Yeas:

Messrs:

Barbour	Gunn	Merritt	Teasley
Blackmon	Heacock	Miller	Thomas
Davis	Hinson	Moody	Wilson
Gardner	Jones	Overton	Wimberly
Glenn	Leith		

—18.

Nays:

Messrs:

Doster	Lusk	McWhorter	Reid
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—4.

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 21; nays, 0.

Yeas:

Messrs:

Barbour	Gunn	Lusk	Reid
Blackmon	Heacock	Merritt	Teasley
Davis	Hinson	Miller	Thomas
Doster	Jones	McWhorter	Wilson
Gardner	Leith	Overton	Wimberly
Glenn			

—21.

And the same was ordered sent forthwith to the House without engrossment.

The bill:

S. 242. To provide for the disposition and distribution, and manner of distribution, of the proceeds, when collected of any bond, payable to the State of Alabama, given by any railroad company or other common carrier to have annulled, suspended or enjoined, any rate

or rates established or prescribed for the transportation of freight or property.

Was read a third time, at length, and passed.

Yeas, 22; nays, 0.

Yeas:

Messrs:

Barbour	Heacock	Lusk	Reid
Blackmon	Hinson	Merritt	Reynolds
Davis	Horton	Moody	Thomas
Gardner	Jones	McWhorter	Wilson
Glenn	Leith	Overton	Wimberly.
Hamner	Lowe		

—22.

And the same was ordered sent forthwith to the House without engrossment.

The bill:

S. 343. To require and regulate the giving of bills of lading or receipts for property received by any common carrier, railroad or transportation company for transportation, originating and terminating within this State, and to fix the liability of the initial carrier for any loss, injury or damage to such property, and prohibit the limitation of such liability by contract.

Was read a third time, at length, and passed.

Yeas, 18; nays, 0.

Yeas:

Messrs:

Blackmon	Heacock	Miller	Reynolds
Doster	Jones	Moody	Thomas
Gardner	Lowe	McWhorter	Wilson
Glenn	Lusk	Reid	Wimberly
Hamner	Merritt		

—18.

The bill:

S. 330. To regulate charges on excess baggage on all railroads propelled by steam or electricity in this State over five miles in length.

Was taken up.

The following amendment offered by the committee:

Amend by striking out in section 1 beginning in line 6 the following words: "provided, however, that the

minimum charge for excess when the same does not exceed 250 pounds, shall not be less than 25 cents," and substitute the words, "provided, however, that the minimum total charge shall be 25 cents and that the minimum rate shall be five cents per hundred pounds for excess above 150 pounds."

Was adopted.

Yeas, 15; nays, 3.

Yeas:

Messrs:

Barbour	Hamner	Moody	Reynolds
Gardner	Heacock	McWhorter	Thomas
Glenn	Lusk	Overton	Wimberly
Gunn	Merritt	Reid	

—15.

Nays: Messrs. Blackmon, Doster, Jones—3.

Mr. Reynolds offered the following amendment:

Strike out the words General Assembly where they occur in the bill and insert in lieu thereof the words "Legislature of Alabama."

Which was adopted.

Yeas, 20; nays, 0.

Yeas:

Messrs:

Davis	Hamner	Merritt	Reid
Doster	Heacock	Miller	Reynolds
Gardner	Hinson	Moody	Thomas
Glenn	Lowe	McWhorter	Wilson
Gunn	Lusk	Overton	Wimberly.

—20.

Mr. Hinson offered the following amendment:

To amend the bill by striking out "(5) five miles" where it occurs in the title and in the bill and insert in lieu thereof the words "ten miles."

Which was adopted.

Yeas, 21; nays, 0.

Nays:

Messrs:

Barbour	Hamner	Merritt	Reid
Davis	Heacock	Miller	Reynolds
Doster	Hinson	Moody	Thomas
Forrester	Lowe	McWhorter	Wilson
Gardner	Lusk	Overton	Wimberly
Gunn			

—21.

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 19; nays, 0.

Yeas:

Messrs:

Barbour	Hamner	Merritt	Reynolds
Davis	Hinson	Miller	Thomas
Gardner	Leith	Moody	Wilson
Glenn	Lowe	McWhorter	Wimberly
Gunn	Lusk	Reid	

—19.

And said bill was ordered sent forthwith to the House without engrossment.

#### RECESS.

The hour of one o'clock having arrived the Senate recessed until 3 o'clock p. m.

#### AFTERNOON SESSION.

The Senate reconvened at 3 o'clock p. m.

A quorum was present.

#### BILLS ON THIRD READING.

The bill:

S. 334. To vacate and annul that part of Twenty-seventh street, in the city of Birmingham, Alabama, lying between First avenue, north, and Tenth avenue, north, in

said city, as a public street or highway, and to annul and extinguish the dedication thereof.

Was read a third time, at length, and passed.

Yeas, 18; nays, 0.

Yeas:

Messrs:

Barbour	Heacock	Merritt	Reynolds
Blackmon	Jones	Miller	Teasley
Davis	Leith	Moody	Thomas
Glenn	Lowe	Overton	Wimberly
Hamner	Lusk		

—18.

The bill:

S. 335. To vacate and annul the alleyways in blocks 204, 205 and 206; the east half of the alley-way in block 207; and the east half of the alley-way in block 203, in the city of Birmingham, Ala.; also all that part of Fourth avenue, north, lying between Twenty-sixth street, north, and Twenty-seventh street, north, in said city; also all that part of Sixth avenue, north, extending from the boundary line between lots 18 and 19, in block 207, in said city (if projected across said avenue) to the western boundary line of Twenty-seventh street; also that part of Third avenue, in said city, extending from the boundary line between lots 15 and 16, in block 204, in said city (if projected across said avenue) to the western boundary line of Twenty-seventh street.

Was read a third time, at length, and passed.

Yeas, 18; nays, 0.

Yeas:

Messrs:

Barbour	Heacock	Merritt	Reynolds
Blackmon	Jones	Miller	Teasley
Davis	Leith	Moody	Thomas
Glenn	Lowe	Overton	Wimberly
Hamner	Lusk		

—18.

The bill:

S. 341. To amend sections five and fifteen of an act entitled "An act to declare the powers and jurisdiction of the city court of Anniston, approved December 9th,

1896, and to amend section ten of an act approved March 4th, 1903, entitled, "An act to amend sections nine, ten and sixteen of an act to declare the powers and jurisdictions of the city court of Anniston, approved December 9th, 1896, and to amend section two of an act approved December 13, 1900, entitled 'An act to amend sections four and eleven of an act entitled "An act to declare the powers and jurisdiction of the city court of Anniston," approved December 9th, 1906."'

Mr. Blackmon offered the following amendment, to-wit:

Amend the caption of the bill by striking out the figures "1906" in line ten of the caption and insert in lieu thereof the figures "1896."

Which was adopted.

Ayes, 18; nays, 0.

Yeas:

Messrs:

Barbour	Hayes	Lusk	Overton
Blackmon	Heacock	Merritt	Reynolds
Davis	Jones	Miller	Thomas
Glenn	Leith	Moody	Wimberly
Hamner	Lowe		

—18.

And the bill, as thus amended, was read a third time, at length, and passed.

Yeas, 18; nays, 0.

Yeas:

Messrs:

Barbour	Hayes	Merritt	Overton
Blackmon	Heacock	Miller	Reynolds
Davis	Jones	Moody	Teasley
Glenn	Leith	McWhorter	Wimberly
Hamner	Lusk		

—18.

And said bill was ordered sent to the House without engrossment.

The bill:

S. 342. To regulate the practice in the circuit court of Calhoun county.



Was read a third time, at length, and passed.

Yeas, 18; nays, 0.

Yeas:

Messrs:

Barbour	Hayes	Merritt	Reynolds
Blackmon	Heacock	Miller	Teasley
Davis	Jones	Moody	Thomas
Glenn	Leith	Overton	Wimberly
Hamner	Lusk		

—18.

And said bill was ordered sent forthwith to the House without engrossment.

The bill:

H. 345. To limit the number of constables, bailiffs and deputies who shall be paid out of the county treasury of Walker county, Alabama, for services in waiting upon and attending the regular, special or adjourned terms of the Walker county law and equity court and the circuit court of Walker county, Alabama.

Mr. Leith offered the following amendment, to-wit:

Amend H. B. 345 by striking out of section 2 of said bill the words not more than ten, wherever the same appears in said section and insert in lieu thereof the words not more than twelve, and further amend said bill by adding section 4. Section 4. Be it further enacted, That, in case of emergency, riots or any unusual occurrence happens the sheriff of Walker county may summon, and use as many deputies as he deems necessary to make arrests, or guard prisoners or to suppress riots or mobs.

Which was adopted.

Yeas, 18; nays, 0.

Yeas:

Messrs:

Barbour	Hayes	Lusk	Overton
Blackmon	Heacock	Merritt	Reynolds
Davis	Jones	Miller	Teasley
Glenn	Leith	Moody	Wimberly
Hamner	Lowe		

—18.

And the bill as amended was read a third time at length and passed.

Yeas, 20; nays, 0.

Yeas:

Messrs:

Barbour	Gunn	Leith	Overton
Blackmon	Hamner	Lusk	Reynolds
Davis	Hayes	Merritt	Teasley
Doster	Heacock	Miller	Thomas
Glenn	Jones	Moody	Wilson

—20.

The bill:

H. 514. To repeal an act entitled, "An act to regulate the trial of misdemeanors in Morgan county, Alabama," approved February 23, 1899, and to provide for the transfer of all causes and all papers and books relating thereto, remaining undetermined on the docket of said county court of Morgan county, to the Morgan county law and equity court.

Was read a third time, at length, and passed.

Yeas, 20; nays, 0.

Yeas:

Messrs:

Barbour	Gunn	Leith	Moody
Blackmon	Hamner	Lowe	Overton
Davis	Hayes	Lusk	Reynolds
Doster	Heacock	Merritt	Teasley
Glenn	Jones	Miller	Thomas

—20.

The bill:

S. 327. To amend section 7 of an act, entitled an act to amend an act to regulate the trial of misdemeanors in Bibb county, approved December 14, 1894.

Was read a third time, at length, and passed.

Yeas, 18; nays, 0.

Yeas:

Messrs:

Davis	Hayes	Lusk	Overton
Doster	Heacock	Merritt	Reynolds
Glenn	Jones	Moody	Teasley
Gunn	Leith	McWhorter	Thomas
Hamner	Lowe		

—18.

The bill :

H. 423. To appropriate annually \$67,000.00 or so much thereof as is necessary, to aid rural school districts in the State to erect or repair public school houses.

The following amendment offered by the committee, to-wit:

Amend by striking from section one the words "any moneys in the treasury of this State not otherwise specifically appropriated," and insert in lieu thereof the words "the proceeds arising from the sale of fertilizer tags by the commissioner of agriculture and industries."

Was adopted.

Yeas, 20; nays, 0.

Yeas:

Messrs:

Barbour	Hamner	Lusk	Overton
Davis	Hayes	Merritt	Reynolds
Doster	Heacock	Miller	Teasley
Glenn	Jones	Moody	Thomas
Gunn	Lowe	McWhorter	Wilson

—20.

And the bill, as thus amended, was read a third time at length and passed.

Yeas, 21; nays, 0.

Yeas:

Messrs:

Barbour	Hamner	Lusk	Overton
Blackmon	Heacock	Merritt	Reynolds
Davis	Jones	Miller	Teasley
Doster	Leith	Moody	Thomas
Glenn	Lowe	McWhorter	Wilson
Gunn			

—21.

The bill :

S. 272. To authorize cities and towns in the State of Alabama, to provide for the drainage thereof by sanitary and storm water sewers, ditches, surface drains, aqueducts and canals, to prescribe rules and regulations

for the installation of plumbing, to enforce connection with and the use of such sewers or drains, and to regulate the same.

Was read a third time, at length, and passed.

Yeas, 17; nays, 2.

Yeas:

Messrs:

Barbour	Hayes	Merritt	Overton
Davis	Heacock	Miller	Reynolds
Doster	Jones	Moody	Thomas
Glenn	Lusk	McWhorter	Wilson
Gunn			

—17.

Nays: Messrs. Blackmon, Leith—2.

And said bill was ordered sent forthwith to the House without engrossment.

The bill:

H. 225. To amend sections 1 and 2 of an act approved January 30th, 1897, to regulate the appropriation and management of the several agricultural schools and experiment stations in the State of Alabama.

Was read a third time, at length, and passed.

Yeas, 19; nays, 0.

Yeas:

Messrs:

Blackmon	Hayes	Lusk	Overton
Davis	Heacock	Merritt	Teasley
Glenn	Jones	Miller	Thomas
Gunn	King	Moody	Wilson
Hamner	Leith	McWhorter	

—19.

The bill:

H. 468. To provide for the payment of interest on the fund in the State treasury, the proceeds of lands sold by the "Alabama Girls Industrial School."

Was read a third time, at length, and passed.

Yeas, 20; nays, 0.

Yeas:

Messrs:

Barbour	Gunn	Lusk	Overton
Blackmon	Hamner	Merritt	Reynolds
Davis	Heacock	Miller	Teasley
Doster	Jones	Moody	Thomas
Glenn	Leith	McWhorter	Wilson

—20.

The bill:

H. 467. To provide for the maintenance of the "Alabama Girls' Industrial School" and the complete equipment of its class rooms, laboratories and work shops and to build and furnish additional buildings therefor.

Was read a third time, at length, and passed.

Yeas, 20; nays, 0.

Yeas:

Messrs:

Barbour	Hamner	Lusk	Overton
Davis	Hayes	Merritt	Reynolds
Doster	Heacock	Miller	Thomas
Glenn	Jones	Moody	Wilson
Gunn	Leith	McWhorter	Wimberly

—20.

The bill:

H. 250. To aid and encourage technical education in the State of Alabama, in providing for the erection and equipment of buildings and increased facilities at the Alabama Polytechnic Institute.

Was read a third time, at length, and passed.

Yeas, 21; nays, 1.

Yeas:

Messrs:

Barbour	Hamner	Merritt	Reynolds
Blackmon	Hayes	Miller	Teasley
Davis	Heacock	Moody	Thomas
Doster	Jones	McWhorter	Wilson
Glenn	Lusk	Overton	Wimberly
Gunn			

—21.

Nays: Mr. Leith—1.

The bill :

H. 671. To make an appropriation to the Alabama Polytechnic Institute in lieu of the share of the proceeds arising from the sale of fertilizer tags now paid to the said institute.

Was read a third time, at length, and passed.

Yeas, 20; nays, 0.

Yeas :

Messrs :

Barbour	Hamner	Lusk	Overton
Davis	Hayes	Merritt	Reynolds
Doster	Heacock	Miller	Teasley
Glenn	Jones	Moody	Wilson
Gunn	Leith	McWhorter	Wimberly.

—20.

The bill :

H. 245. To provide for the better equipment and support of the University of Alabama, and to appropriate funds therefor.

Mr. Leith offered the following amendment, to-wit :

Amend H. B. 245 by striking out the words one hundred and twenty-five thousand wherever they appear and insert in lieu thereof the words fifty thousand.

On motion of Mr. Merritt the amendment was laid on the table, and the bill was read a third time at length and passed.

Yeas, 17; nays, 2.

Yeas :

Messrs :

Blackmon	Hayes	Merritt	Overton
Davis	Heacock	Miller	Reynolds
Glenn	Jones	Moody	Teasley
Gunn	Lusk	McWhorter	Thomas
Hamner			

—17.

Nays: Messrs. Leith, Wilson—2.

The bill :

S. 122. For the additional relief of needy confederate soldiers and sailors who are resident citizens of the State of Alabama and their widows by the appropriation of

such sum, out of any funds in the treasury not otherwise appropriated as may be necessary to pay pensioners of the 1st class \$100.00 each, of the 2nd class \$83.33, of the 3rd class \$66.66 and of the 4th class \$50.00 each for the fiscal years beginning October 1st, 1907, 1908, 1909.

The following substitute offered by the committee, to-wit:

#### A BILL

To be entitled an act for the additional relief of needy confederate soldiers and sailors who are resident citizens of the State of Alabama and their widows, by the appropriation of such sums out of the funds in the State treasury not otherwise appropriated as may be necessary to pay pensioners of the first class one hundred dollars per annum, of the second class eighty dollars per annum, of the third class sixty-four dollars per annum, and of the fourth class fifty dollars per annum, each, for the fiscal years beginning on the first day of October, 1907, on the first day of October, 1908, on the first day of October, 1909, and on the first day of October, 1910, and to fix the time of paying the same.

Section 1. Be it enacted by the Legislature of Alabama, That for the additional relief of needy confederate soldiers and sailors who are resident citizens of the State of Alabama and their widows, who are entitled by law to relief as such for the fiscal years beginning on the first day of October, 1907, on the first day of October, 1908, on the first day of October, 1909, and on the first day of October, 1910, there is hereby appropriated out of any funds in the State treasury not otherwise appropriated such sum as may be necessary to pay pensioners of the first class one hundred dollars, of the second class eighty dollars, of the third class sixty-four dollars, and the fourth class fifty dollars, each, per annum.

Section 2. Be it further enacted, that, except as otherwise herein provided, all moneys hereby appropriated and distributed in all respects in accordance with and under the terms, conditions and requirements of an act approved February 10th, 1899, for the relief of needy

confederate soldiers and sailors resident citizens of Alabama, and their widows.

Section 3. Be it further enacted, That the amount herein appropriated shall be paid quarterly as follows: On the first day of October, January, April and July of each of said fiscal years, there shall be paid to each of the first class pensioners twenty-five dollars, to each of the second class twenty dollars, to each of the third class sixteen dollars, and to the fourth class twelve dollars and fifty cents, each.

Section 4. Be it further enacted, That all laws, special or general, in conflict with the provisions of this act are hereby repealed.

Was adopted.

Yeas, 19; nays, 0.

Yeas:

Messrs:

Barbour	Hamner	Merritt	Reynolds
Davis	Hayes	Miller	Thomas
Doster	Jones	Moody	Wilson
Glenn	Leith	McWhor'er	Wimberly
Gunn	Lusk	Overton	

—19.

And the bill, as thus amended, was read a third time, at length, and passed.

Yeas, 19; nays, 0.

Yeas:

Messrs:

Bayles	Gunn	Merritt	Teasley
Blackmon	Hamner	Miller	Thomas
Davis	Hayes	Moody	Wilson
Doster	Jones	McWhorter	Wimberly
Glenn	Lusk	Reynolds	

—19.

The bill:

S. 123. To amend sections 12 and 16 of an act entitled an act for the relief of needy confederate soldiers and sailors, resident citizens of Alabama, and their widows, approved the 10th day of February, 1899.



The following amendment offered by the committee, to-wit:

Amend said bill by striking out section 2 of same, and the words "and 16" in the caption.

Was adopted.

Yeas, 20; nays, 0.

Yeas:

Messrs:

Barbour	Gunn	Lusk	Reynolds
Blackmon	Hamner	Merritt	Teasley
Davis	Hayes	Miller	Thomas
Doster	Jones	Moody	Wilson
Glenn	Leith	McWhorter	Wimberly

—20.

And the bill, as thus amended, was read a third time, at length, and passed.

Yeas, 19; nays, 0.

Yeas:

Messrs:

Barbour	Gunn	Leith	Reynolds
Blackmon	Hamner	Lusk	Thomas
Davis	Hayes	Merritt	Wilson
Doster	Heacock	Miller	Wimberly
Glenn	Jones	Moody	

—19.

The bill:

H. 665. To prescribe rules and regulations relating to demurrage and car service and charges therefor and the respective rights, duties, obligations, liabilities and remedies of common carriers by rail and shippers and consignees with respect to the furnishing of empty cars and the transportation and delivery of freight and delay of shippers and consignees in the loading and unloading of cars and the receiving of freight, and charges for such delay.

The following amendment offered by the committee, to-wit:

Amend section 1 by striking out the words "verbal or", and by adding at the end of said section the following:

"the applicant may require the agent or officer with whom the application is filed to give a written receipt for the application stating the time of the receipt of the application, and any agent or officer who fails or refuses to give the receipt herein provided for shall be guilty of a misdemeanor and upon conviction shall be fined not more than five hundred (\$500.00) dollars."

And add further to section 1: Provided, that if the railroad company shall be delayed in furnishing the cars applied for by an act of God or by any accident on the road by a strike, the delay thus caused shall be added to the free time allowed for the furnishing of said cars.

Amend section 23, line 8, by making the period between "incurred" and the word "And" a comma and make the capital A in and a small a.

Amend section 24; first, strike out parenthesis inclosing words "for transportation of freight" and by striking out the words "but for the purpose of preventing any competitor or other person from procuring cars, or for the purpose of impairing the capacity of said common carrier to supply cars to others."

Add after section 25 the following: Sec. 26. This act shall go into effect immediately upon its approval.

Was adopted.

Yeas, 19; nays, 0.

Yeas:

Messrs:

Blackmon	Hayes	Lusk	Reynolds
Davis	Heacock	Merritt	Thomas
Doster	Jones	Moody	Wilson
Glenn	Leith	McWhorter	Wimberly
Gunn	Lowe	Overton	

—19.

And the bill, as thus amended, was read a third time, at length, and passed.

Yeas, 20; nays, 0.

Yeas :

Messrs :

Barbour	Gunn	Lusk	Overton
Blackmon	Hayes	Merritt	Reynolds
Davis	Heacock	Miller	Thomas
Doster	Jones	Moody	Wilson
Glenn	Leith	McWhorter	Wimberly.

—20.

## MESSAGE FROM THE HOUSE.

Mr. President :

The House has concurred in and adopted the amendments proposed by the governor to the bill, Senate bill 18, To prevent any officer, agent or employee of any person, company or corporation owning or operating as a common carrier any railroad in whole or in part in this State, from charging or receiving for the transportation, originating and terminating within the State, of any article a greater or higher rate of compensation than that established by statute where a rate for the transportation of such article has been established by statute, or from refusing to receive such articles for transportation at the rate established by statute," by a majority of the whole House, the vote on said amendment being: Yeas, 54; nays, 2.

And the House has concurred and adopted the amendments proposed by the governor to the bill, Senate bill 106, "To require and authorize the railroad commission to prescribe rules, regulations and requirements for the issuance and use of interchangeable mileage tickets and coupon tickets on and over lines of transportation of railroad common carriers of passengers in this State, and to punish any violation of such orders, rules, regulations and requirements," by a majority of the whole House, the vote on said amendment as proposed being: Yeas, 62; nays, 1.

And the House has concurred in and adopted the amendments proposed by the governor to the bill, Senate bill 16, "To fix and establish the maximum rates to be charged by railroads now operating or which may

hereafter operate, as common carriers, in whole or in part in the State of Alabama, for the transportation, originating and terminating within the State, of certain articles, and for this purpose to classify said articles and said railroads," by a majority vote of the whole House, the vote on said amendments as proposed being: Yeas, 65; nays, 0.

And herewith returns the said bills, S. 18, S. 106, and S. 16, to the Senate.

Cyrus B. Brown,  
Clerk.

#### REFERENCE OF BILL.

On motion of Mr. Reynolds,

S. 359. To authorize the institution of suits in equity, to abate and remove any structure which is now or may hereafter be erected upon any public highway, or street, in this State, whether the same be within or without the limits of any city, by any property owners, whose property abuts any such highway or street, and to provide for the execution of a bond to indemnify any person who may be injured by such suit, if unsuccessful.

Was taken from an adverse report and referred to the Judiciary committee.

#### REPORT OF COMMITTEE ON REVISION OF THE JOURNAL.

Mr. Leith, from the committee on Revision of the Journal, made the following report:

Mr. President:

We, the committee on Revision of the Journal, report that we have, in session, examined the Senate Journal for the 27th, 28th and 29th legislative days and find the same to be correct.

M. L. Leith,  
Chairman.

#### INDEFINITE POSTPONEMENT OF BILLS.

On motion of Mr. Miller the following bills were indefinitely postponed:

S. 192. To provide for the maintenance of the Alabama Girls' Industrial School and the complete equip-

ment of its class rooms, laboratories and work shops and to build and furnish additional buildings therefor.

S. 194. To provide for the payment of interest on the fund in the State treasury, the proceeds of lands sold by the Alabama Girls' Industrial School.

S. 103. To provide for the better equipment and support of the University of Alabama, and to appropriate funds therefor.

S. 109. To aid and encourage technical education in the State of Alabama, in providing for the erection and equipment of buildings and increased facilities at the Alabama Polytechnic Institute.

S. 318. To make an appropriation to the Alabama Polytechnic Institute in lieu of the share of the proceeds arising from the sale of fertilizer tags now paid to the said institute.

#### ORDER TO PRINT.

On motion of Mr. Thomas, 300 copies of House bill, H. 610. To further amend the revenue laws of the State of Alabama.

Were ordered printed for the use of the Senate.

#### SPECIAL ORDER.

On motion of Mr. Thomas, House bill:

H. 379. To fix the salaries of the chancellors, supernumerary judge and circuit judges.

Was made a special order for Saturday, Feby. 23, 1907, at 11 :30 a. m.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in S. J. R. No. 52 relative to erasure of signatures from H. B. No. 96.

And the House has concurred in the Senate amendments to H. B. 345, To limit the number of constables, bailiffs and deputies who shall be paid out of the county treasury of Walker county, Alabama, for services in

waiting upon and attending the regular, special or adjourned terms of the Walker county law and equity court and the circuit court of Walker county, Alabama.

Cyrus B. Brown,  
Clerk.

ERASURE OF SIGNATURE.

Pursuant to a joint resolution heretofore adopted, the President of the Senate, in the presence of the Senate, immediately after its title had been publicly read by the secretary, erased his signature from House bill:

H. 96. To provide for the payment of certain fine and forfeiture funds in the hands of the clerk of the circuit court of Cullman county, Alabama.

ORDER TO PRINT.

Mr. Lusk, from Judiciary committee, returned:

H. 543. To authorize cities and towns of the State of Alabama, to erect, acquire, enlarge, maintain and operate water works systems and to provide the details of the same.

To the Senate and recommended that 500 copies be printed for the Senate.

ADJOURNMENT.

At 4:45 p. m., on motion of Mr. Barbour, the Senate adjourned until 12 o'clock m. Monday, February 25, 1907.

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THIRTY-FIRST DAY.

Monday, February 25, 1907.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Malone of the House of Representatives.

## ROLL CALL.

Present:

Mr. President, and

Messrs:

Barbour	Hamburger	Lowe	Reynolds
Bayles	Hamner	Lusk	Spragins
Blackmon	Hayes	Merritt	Strother
Davis	Heacock	Miller	Teasley
Doster	Hinson	Moody	Thomas
Forrester	Horton	McWhorter	White
Gardner	Jones	Overton	Wilson
Glenn	King	Reid	Wimberly
Gunn	Leith		

—34.

## JOURNAL.

On motion of Mr. Miller the reading of the Journal of yesterday was dispensed with and the same was approved.

## PRIVILEGES OF THE FLOOR.

The privileges of the floor were extended to Messrs. W. M. Lackey, L. W. Grant, Jno. H. Peebles, Charles Pulley, Wm. B. Bankhead and George Ward, for today.

## LEAVE OF ABSENCE.

A leave of absence was granted to Mr. Reese for today.

## JOINT CONVENTION FOR ELECTION OF ASSOCIATE JUDGE OF THE CITY COURT OF GADSDEN.

At 12:15 o'clock p. m., pursuant to a joint resolution, the Senate proceeded to the Hall of the House of Representatives.

The joint convention was called to order by the President of the Senate, who directed the secretary to call the roll of the Senate.

Whereupon the following senators answered to their names, viz.:

## Messrs:

Barbour	Hamburger	Lowe	Reynolds
Blackmon	Hamner	Lusk	Spragins
Davis	Hayes	Merritt	Strother
Doster	Heacock	Miller	Teasley
Forrester	Horton	Moody	Thomas
Gardner	Jones	McWhorter	White
Glenn	King	Overton	Wilson
Gunn	Leith	Reid	Wimberly.

—32.

The President announced that thirty-two senators were present.

The Speaker of the House then directed the clerk of the House to call the roll of the House.

Whereupon the following representatives answered to their names, viz.:

## Messrs:

Speaker	Goodwyn	Mitchell
Alford	Gunter	Moore
Armstrong	Haley	Parker
Arnold	Henley	Pearson
Arrington	Hoffman	Peete
Avery	Hughston	Pitts (Perry)
Ballard (Autauga)	Jenkins	Powell (Bullock)
Ballard (Pike)	John	Powell (Covington)
Baltzell	Johnson	Power
Barton	Killen	Pratt
Benners	King	Pugh
Bloch	Kirby	Ragsdale
Bulger	Kornegay	Rainer
Cannon	Lacy (Dallas)	Rattray
Carmichael (Clay)	Lancaster	Rowe
Coleman (Marshall)	Lawson	Rushton
Cooper	Lee (Houston)	Sanders
Cranford	Lindsey	Seale
Crum	Long (Butler)	Sherrod
Doyle (Clark)	Long (Morgan)	Smith (Elmore)
Dudley	Lovelady	Smith (Lee)
Edwards	Lyons	Smith (Etowah)
Elrod	Malone	Smith (Franklin)
Glover	Maner	Steagall



Thompson	White (Lamar)	Williams
Tunstall	White (Perry)	Woolf
Weaver		

—79.

The Speaker of the House then announced that seventy-nine members of the House of Representatives were present.

The President of the Senate then stated that a majority of the two houses of the General Assembly was present, and that the purpose of the joint convention was the election of an associate judge of the city court of Gadsden.

Mr. John then placed in nomination for associate judge of the city court of Gadsden, Alto V. Lee, Sr., of Gadsden.

Those of the Senate who voted for Mr. Lee are:

Messrs:

Barbour	Hamburger	Lowe	Reid
Blackmon	Hamner	Lusk	Reynolds
Davis	Hayes	Merritt	Strother
Doster	Heacock	Miller	Thomas
Forrester	Horton	Moody	White
Gardner	Jones	McWhorter	Wilson
Glenn	King	Overton	Wimberly
Gunn	Leith		

—30.

And the President of the Senate announced that in the Senate Mr. Lee had received 30 votes.

Those of the House of Representatives who voted for Mr. Lee, are:

Messrs:

Speaker	Benners	Doyle (Clark)
Alford	Bloch	Dudley
Armstrong	Bulger	Edwards
Arnold	Cannon	Elrod
Avery	Carmichael (Clay)	Glover
Ballard (Autauga)	Coleman (Marshall)	Goodwyn
Ballard (Pike)	Cooper	Gunter
Baltzell	Cranford	Haley
Barton	Crum	Henley

Hoffman	Malone	Rowe
Hughston	Maner	Rushton
Jenkins	Mitchell	Sanders
John	Moore	Seale
Johnson	McMillan	Sherrod
Killen	Parker	Smith (Elmore)
King	Pearson	Smith (Lee)
Kirby	Peete	Smith (Etowah)
Kornegay	Pitts (Perry)	Smith (Franklin)
Lacy (Dallas)	Powell (Bullock)	Steagall
Lancaster	Powell (Covington)	Thompson
Lawson	Power	Urquhart
Lee (Etowah)	Pratt	Weaver
Lee (Houston)	Pugh	White (Lamar)
Lindsey	Ragsdale	White (Perry)
Long (Morgan)	Rainer	Williams
Lovelady	Rattray	Woolf
Lyons		

—80.

And the Speaker of the House then announced that in the House Mr. Lee had received 80 votes.

The Speaker of the House then declared that Mr. Alto V. Lee having received one hundred and ten votes, a majority of all the votes cast, was duly and constitutionally elected associate judge of the city court of Gadsden for the term provided by law.

The President of the Senate then stated that the purpose of the joint convention having been accomplished the joint convention was dissolved, and the Senate returned to its chamber.

#### INTRODUCTION OF BILLS.

On a call of the districts, bills were introduced, read one time and referred to appropriate standing committees as follows:

By Mr. Hamburger:

S. 367. To dissolve the board of trustees of the Medical College of Alabama, and to vest the ownership and

control of the property of the Medical College in the board of trustees of the University of Alabama.

Military.

By Mr. Miller :

S. 368. Requiring persons and corporations in possession of real estate claiming adversely to the owner of the legal title to file for record in the probate office of the county in which such real estate lies, the instrument constituting the color of title under which such real estate is claimed; or to file in such probate office notice of adverse possession under bona fide claim of inheritance or of purchase, in order to acquire title to said real estate by adverse possession, or to constitute a defense thereof under the statutes of limitations.

Judiciary.

By Mr. Doster, (by request) :

S. 369. To make it a misdemeanor to sell or offer for sale any lot or block in any town governed by the provisions of charter 109, article 2, Code of Alabama of 1896.

By Mr. Reid, (by request) :

S. 370. To authorize the commissioners' court of Conecuh county to divide said county into road precincts and to appoint road overseers to have supervision of the public roads, in said county, and to direct and prescribe the duties of said overseers and the duties of road apportioners in said county, and to provide for and define the duties of said overseers and apportioners and to authorize the Commissioner's Court of Conecuh county to purchase for said county the necessary teams, tools, road machines, implements and plows to be used for constructing, repairing, working and improving the public roads in said county and to provide for the construction and improvement of the public roads of Conecuh county and to prescribe who shall work on the public roads in Conecuh county and to provide for a road tax in lieu of work on the public roads of Conecuh county and to provide for the appropriation of funds by the commissioners' court of Conecuh county for the construction, repairing, working and improving the public roads in said

Conecuh county, to prevent the obstruction of and damage to the public roads of Conecuh county and to prescribe punishment for obstruction or damaging the public roads in Conecuh county.

Local Legislation.

With notice and proof attached and herewith exhibited as follows:

NOTICE.

Notice is hereby given of the intention to apply to the Legislature of Alabama for the passage and enactment of a special law providing for the construction, building, repairing and maintaining of the public roads of Conecuh county, Alabama, and providing for the appropriation of funds therefor.

F. J. Dean,  
Judge of Probate.

The State of Alabama, }  
Conecuh County. }

Before me, F. J. Dean, judge of probate in and for said State and county, personally appeared George W. Salter, Jr., who on oath says that he is the editor and publisher of the Evergreen Courant, a newspaper published weekly in the town of Evergreen, county of Conecuh, State of Alabama, and that the foregoing notice has been published every week for four consecutive weeks in said newspaper, prior to this date and in the year 1907.

Geo. W. Salter, Jr.

Sworn to and subscribed before me this the 22d day of February, 1907.

F. J. Dean,  
Judge of Probate.

By Mr. Miller: .

S. 371. To amend section 4 (section 398) of an act entitled an act to amend sections 382, 383, 384, and 398 of the Code of Alabama.

Judiciary.

By Mr. Miller:

S. 372. To establish police commissions in cities of 35,000 population in counties of 100,000 or more population and to define their terms of office, duties and powers.

Local Legislation.

REPORTS OF COMMITTEES.

Mr. Hamner, chairman of the standing committee on Banking and Insurance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report:

H. 243. (With amendment.) To enlarge the insurance laws of the State.

Mr. Merritt, chairman of the standing committee on Local Legislation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report:

H. 85. To constitute a board of jury commissioners for Choctaw county.

Also,

H. 455. To create, establish and maintain an inferior court of record in and for the county of Covington, to define and provide for the powers, jurisdiction and procedure thereof, and to provide for officers thereof, and their compensation.

Mr. Hamburger, chairman of the standing committee on Military, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report:

H. 333. (With substitute.) To make an appropriation for the expenses of encampment of the Alabama National Guard for the years 1907, 1908, 1909 and 1910.

Mr. McWhorter, chairman of the standing committee on Temperance, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report:

S. 344. To further regulate opening, closing, keeping and selling or giving away, spirituous, vinous or malt liquors under a license operating saloons in the State of Alabama, and to punish the violation thereof.

Also,

H. 746. To authorize all towns and cities that are now or may hereafter be incorporated in the territory now known and described as precinct number three in Elmore county, Alabama, to buy and sell spirituous, vinous and malt liquors, and to provide for the distribution of certain profits arising therefrom, and to further regulate or prohibit the sale of such liquors in said precinct.

Also,

H. 716. To authorize the town of Elba in Coffee county, Alabama, to buy and sell spirituous, vinous and malt liquors, and to regulate the sale thereof.

Also,

H. 618. To repeal an act entitled an act to prohibit the manufacture of vinous, spirituous or malt liquors, or to sell, give away or otherwise dispose of vinous, spirituous or malt liquors or other intoxicating beverages within six miles of Union Hill Baptist church, in beat 17 of Henry county, passed by the General Assembly of Alabama, session 1898-1899, and approved on the 21st day of February, 1899.

Also,

H. 617. To provide for the establishment of dispensaries in Houston county, Alabama.

Also,

H. 748. To prohibit the sale, barter, giving away or otherwise disposing of spirituous, vinous or malt liquors, intoxicating drinks, bitters or beverages in Franklin county, Alabama.

Also, (with amendment):

H. 114. To prohibit the sale, barter or exchange of vinous, spirituous or malt liquors or intoxicating bitters or beverages at any place in the county of Etowah except within the corporate limits of the cities of Gadsden and Attalla.

Also,

H. 717. To require the sheriff of Hale county to procure from the office of the United States internal revenue collector for the State of Alabama a list of the persons, firms or corporations in Hale county to whom a license has been issued for the sale of spirituous, vinous or malt liquors and to publish same in some newspaper published in said county.

Mr. Merritt, chairman of the standing committee on Local Legislation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report:

H. 370. (With amendment.) To amend section 1 of an act entitled an act to amend the act "To incorporate the city of Tuscaloosa," approved March 12th, 1873, by amending section one of said act so as to extend the boundary lines of said city, approved February 20, 1898, so far as to fix, define and enlarge the boundaries of said city of Tuscaloosa.

The foregoing bills contained in said committee reports were severally read a second time and placed on the calendar.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has adopted the following resolution:

By Mr. Carmichael, of Clay:

H. R. 167. Be it resolved by the House, That the Senate be requested to return to the House, the House bill, "To legalize and authorize the payment of certain claims herein enumerated from the general fund of Clay county by the treasurer of said county," No. 595.

And the House requests the return of the bill, H. 595.

Cyrus B. Brown,  
Clerk.

#### HOUSE MESSAGE.

On motion of Mr. Overton, the Senate concurred in the foregoing resolution and directed the secretary to transmit H. B. 595 forthwith to the House.

## MESSAGE FROM THE HOUSE.

Mr. President:

The Speaker of the House having signed the following House bills your signature thereto is requested:

H. 290. To further regulate the sale, giving away or otherwise disposing of spirituous, vinous or malt liquors, intoxicating bitters or cordials or fruits preserved in alcoholic liquors in Fayette county, Alabama.

H. 115. To prohibit the sale, giving away, delivering or otherwise disposing of spirituous, vinous or malt liquors, intoxicating bitters or cordials or fruits preserved in alcoholic liquors, or other intoxicants, in Fayette county, Alabama, if a majority of the votes cast in the election herein provided be in favor of prohibition, to provide for the holding of said election and to further regulate the handling, ordering or other disposition of spirituous, vinous or malt liquors or other intoxicants in said county.

H. 540. To further regulate the city court of Birmingham, Alabama, and the practice and procedure in said court; to provide for judges thereof, their election, term of office, removal, power and salary; for the election, term of office, bond, removal and duties of the clerk and register thereof; and to provide suitable court rooms and places, dockets, stationery, and other supplies for the holding of said court.

H. 106. To amend the caption or title and section 4 of an act entitled an act to authorize the court of county revenues of Dallas county to buy mules, horses, road machines, and tools for the purpose of working the public roads of Dallas county; to work the convicts of Dallas county on the public roads of said county, to employ laborers and superintendents to work, and supervise the working of the public roads of said county, to collect from persons subject to road duty, in lieu of work in said public roads, a sum of money not exceeding three dollars each per annum, and to provide for collecting the same; to buy for use on said public roads, gravel, sand, chert and slag; to employ an engineer to grade said public roads; to fix the age of road duty from twenty-one



years to sixty years; and to use such sums of money from the general fund of said county, for the purpose of working and improving said roads, as said court of county revenues may deem necessary, approved September 18, 1903.

H. 685. To establish a law and equity court for Madison county.

H. 225. To amend section one and two of an act approved January 30, 1897, to regulate the appropriation and management of the several agricultural schools and experiment stations in the State of Alabama.

H. 467. To provide for the maintenance of the "Alabama Girls' Industrial School" and the complete equipment of its class rooms, laboratories and work shops and to build and furnish buildings therefor.

H. 671. To make an appropriation to the Alabama Polytechnic Institute in lieu of the share of the proceeds arising from the sale of fertilizer tags now paid to the said institute.

H. 128. To prohibit, regulate and restrict the sale or other disposition of intoxicating liquors, drinks or beverages within the State of Alabama by providing for elections in the various counties of the State, to determine whether the sale or other disposition of such intoxicating liquors, drinks or beverages shall be so prohibited, regulated and restricted.

Cyrus B. Brown,  
Clerk.

#### SIGNING OF BILLS.

The President of the Senate, in the presence of the Senate, immediately after their titles had been publicly read at length by the secretary, signed the above House bills, the titles of which are set out in the foregoing message from the House, the reading at length of said bills having been dispensed with, by a two-thirds vote of a quorum of the Senate present.

## MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bill, and ordered the same sent forthwith to the Senate without engrossment:

H. 117. To amend section 2226 of the Code of Alabama.

Cyrus B. Brown,  
Clerk.

## HOUSE MESSAGE.

The House bill in the foregoing House message was read once and referred to appropriate standing committee as follows:

H. 117., to Revision of Laws.

## MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in the Senate amendments to the bill:

H. 423. To appropriate annually \$67,000.00 or so much thereof as is necessary, to aid rural school districts in the State to erect or to repair public school houses.

And the House has concurred in the Senate amendments to the bill:

H. 665. To prescribe rules and regulations relating to demurrage and car service and charges therefor, and the respective rights, duties, obligations, liabilities and remedies of common carriers by rail and shippers and consignees with respect to the furnishing of empty cars and the transportation and delivery of freight and delay of shippers and consignees in the loading and unloading of cars and the receiving of freight, and charges for such delay.

And the House has concurred in the Senate amendments to the bill:

H. 345. To limit the number of constables, bailiffs and deputies who shall be paid out of the county treasury of Walker county, Alabama, for services in waiting

upon and attending the regular, special or adjourned terms of the Walker county law and equity court and the circuit court of Walker county, Alabama.

And the House has concurred in the Senate amendment to the bill:

H. 596. To provide for holding separate terms of the circuit court for Coffee county, in the twelfth judicial circuit, at Enterprise, for the following portions of Coffee county, to-wit: Township 3, range 22; township 4, range 22; township 5, range 22; township 3, range 21; township 4, range 21; the east one half of township 3, range 20; the following sections in township 4, range 20, to-wit: 13, 22, 23, 24, 25, 26, 27, 34, 35, 36; and all that portion of the territory in township 6, range 22; township 7, range 22; township 5, range 21; township 6, range 21, lying north of Pea river, and to regulate the holding of such court, to provide buildings and accommodations therefor, making its jurisdiction within such district exclusive of the jurisdiction it exercises when sitting at Elba, in said county of Coffee, defining the powers of the judge and clerk thereof, and regulating the drawing of its grand and petit jurors, and providing for the transfer of causes from the circuit court held at Elba, to said court held at Enterprise, and from the latter to the former.

Cyrus B. Brown, Clerk.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has passed the following Senate bill:

S. 83. To appropriate the sum of six thousand dollars for the completion and improvement of the school buildings of the 8th congressional district agricultural school located at Athens, the main school building having been destroyed by a storm in November, 1896.

And returns same herewith to the Senate.

Cyrus B. Brown,  
Clerk.

## MESSAGE FROM THE HOUSE.

Mr. President:

In accordance with the joint resolution heretofore adopted, and the request of the Senate, the Speaker of the House has erased his signature from the bill:

H. 96. To provide for the payment of certain fine and forfeiture funds in the hands of the clerk of the circuit court of Cullman county, Alabama.

And herewith returns the same to the Senate.

Cyrus B. Brown,  
Clerk.

## HOUSE MESSAGE.

On motion of Mr. Merritt, the vote by which H. 96 was passed was reconsidered, also the vote ordering the same to engrossment and third reading.

And upon his further motion H. 96, the title of which is set out in the foregoing message from the House, was recommitted to committee on Local Legislation.

## MESSAGE FROM THE HOUSE.

Mr. President:

The House has amended as therein shown and as amended has passed the following Senate bill:

S. 236. To alter, re-arrange and extend the corporate limits of the city of Mobile, Alabama.

And herewith returns the same to the Senate with notice and proof attached hereto and herewith exhibited as follows:

## NOTICE.

Is hereby given that application will be made to the Legislature of Alabama at its next session, which convenes in the city of Montgomery, Ala., during the month of January, 1907, to enact a local or special law, altering or rearranging the boundaries of the city of Mobile, by extending said boundaries into the county of Mobile beyond the present limits of said city.

The State of Alabama, }  
 Mobile County. }

Personally appeared before me, S. H. Bailey, a notary public, in and for the county of Mobile, duly appointed by executive authority, and qualified according to law, Chas. H. Allen, Jr., advertising manager of the Mobile Daily Herald, a newspaper published in the city of Mobile, State of Alabama, who, being by me duly sworn according to law says: that he is the advertising manager of the Mobile Daily Herald, and that he knows of his own knowledge that the above and foregoing attached notice was duly published in said newspaper in its issues of December 17th, December 24th, December the 31st, 1906, and January 7th, 1907.

Chas. H. Allen, Jr.,  
 Adv. Mgr. Mobile Daily Herald.

Sworn to and subscribed before me this the 20th day of February, 1907.

S. H. Bailey,  
 Notary Public.  
 Cyrus B. Brown,  
 Clerk.

#### HOUSE MESSAGE.

On motion of Mr. Hamburger, the Senate concurred in the following House amendment to Senate bill No. 236, the title of which is set out in the foregoing message from the House, to-wit:

Amend section 1 by substituting after the words "as follows" in place of the balance of said section, the following:

"Commencing at a point on the east line of township five south, range one west, Mobile county, where the south line of sections nine and ten, if projected, would intersect said township, running westwardly along said line to the half section line of section nine, thence along the half section line of sections nine and four due north to the south line of township four south, range one west; thence west along the south line of said township to the west line of section thirty-three; thence due north to the north line of said section; thence due west to Bayou Du-

rand; thence up said Bayou and along its east and north banks to the west line of section twenty-nine; thence due north to the north line of section eighteen, township four south, range one west; thence due east to the Three Mile creek; thence along the south bank of Three Mile creek to Mobile river, crossing the river to the township line, thence south along the township line to the place of beginning.

Amend section two by adding thereto the following:

Provided, however, that this act shall not take effect until from and after the first day of January, 1908.

Yeas, 30; nays, 0.

Yeas:

Messrs:

Barbour	Hamburger	Lowe	Reid
Blackmon	Hamner	Lusk	Reynolds
Davis	Hayes	Merritt	Spragins
Doster	Heacock	Miller	Strother
Forrester	Horton	Moody	Teasley
Gardner	Jones	McWhorter	Wilson
Glenn	King	Overta	Wimberly
Gunn	Leith		

—30.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has amended as therein shown and as amended has passed the following Senate bill:

S. 48. To create the fifteenth judicial circuit for the State of Alabama, to be composed of the counties of Autauga, Chilton, Elmore and Montgomery; to confer equity jurisdiction on said court as to matters arising in Autauga, Elmore and Chilton counties, and to provide for registers in chancery therein; to provide for the appointment of a judge and solicitor for said court, and for the removal of pending causes and the remanding of pending appeals to the new court; to regulate the convening of grand and petit juries in said circuit and to

authorize the judge of said circuit court to adopt reasonable rules of practice to facilitate the business of the court.

And herewith returns the same to the Senate.

Cyrus B. Brown,  
Clerk.

#### HOUSE MESSAGE.

On motion of Mr. Doster, the Senate concurred in the following House amendment to Senate bill 48, the title of which appears in the foregoing message from the House, to-wit:

Strike out of section 3, the words, "the same as that of the other circuit solicitors," and insert in the place thereof the words "eighteen hundred dollars."

Yeas, 29; nays, 0.

Yeas:

Messrs:

Barbour	Hamburger	Lowe	Reid
Blackmon	Hayes	Lusk	Reynolds
Davis	Heacock	Merritt	Spragins
Doster	Horton	Miller	Strother
Forrester	Jones	Moody	Teasley
Gardner	King	McWhorter	Wilson
Glenn	Leith	Overton	Wimberly
Gunn			

—29.

#### GOVERNOR'S MESSAGE.

Montgomery, Feb. 25, 1907.

To the Senate of Alabama:

I herewith transmit, for your confirmation or rejection, the name of Mr. J. H. Johnson as a member of the board of trustees of the University of Alabama, the certificate of the superintendent of education having been this day filed with me.

B. B. Comer,  
Governor.

Montgomery, Feb. 23, 1907.

To the Senate of Alabama:

In addition to the names already certified, I hereby certify the name of Mr. J. H. Johnson as a member of the board of trustees of The University of Alabama for your confirmation. Mr. Johnson was elected a member of the board on the 21st day of April, 1903, to fill out the unexpired term of Hon. John H. Caldwell, deceased. Mr. Johnson's term will expire on the 1st day of July, 1907. This certificate is made in accordance with section 264 of the Constitution.

Harry C. Gunnels,  
Supt. of Education.

On motion of Mr. Lusk, the Senate confirmed the nomination and election of Mr. J. H. Johnson as a member of the board of trustees of the University of Alabama.

#### RESOLUTION.

Mr. Thomas offered the following joint resolution, which was adopted:

S. J. R. 53. Be it resolved by the Senate, the House concurring, That the secretary of State be and he is hereby required immediately after the recess of the Legislature on March 2nd, 1907, to prepare for publication fair copies of the acts and joint resolutions, except local acts, passed at this session of the Legislature before said recess, and to have two thousand copies of the same immediately printed by the public printer, in pamphlet form and without index, and the said secretary of State shall so soon as said copies are printed, forward two copies of the same to each member of the Legislature. The object of this joint resolution being to have such acts and joint resolutions as are of a general nature printed in temporary form as early as possible and placed in the possession of members of the Legislature so that they and each of them will have an opportunity of reviewing all such general laws, during the recess, to the end that all defects and errors, if any, appearing therein, may be remedied or corrected at the adjourned session in July, 1907.



## INDEFINITE POSTPONEMENT OF SENATE BILLS.

On motion of Mr. Overton, the following Senate bills were indefinitely postponed:

S. 216. To provide for the assessment and collection of privilege taxes against express companies.

S. 217. To provide for the assessment and collection of privilege taxes against sleeping car companies.

## BILLS ON THIRD READING.

The bill:

S. 186. To further promote and secure the erection of cotton mills and factories in the State of Alabama.

Was taken up.

Mr. Barbour offered the following amendment:

"Amend by striking out the words 'ten years' wherever they appear and insert in lieu thereof the words 'twenty years.'"

Action upon which was, on motion of Mr. Thomas, indefinitely postponed.

Mr. Thomas raised the point that the indefinite postponement of an amendment postponed the original bill.

The President declared the point not well taken, from which ruling Mr. Thomas appealed to the Senate, and the Senate sustained the ruling of the chair.

Yeas, 15; nays, 11.

Yeas:

Messrs:

Gardner	Lowe	McWhorter	Spragins
Hamuer	Lusk	Overton	Strother
Hayes	Merritt	Reid	Wilson
Heacock	Miller	Reynolds	

—15.

Nays:

Messrs:

Barbour	Gunn	King	Thomas
Doster	Hinson	Moody	White
Glenn	Jones	Teasley	

—11.

And said bill was read a third time at length and lost.

Yeas, 14; nays, 15.

Yeas:

Messrs:

Davis	Hamner	Lusk	Reynolds
Doster	Hayes	Miller	Spragins
Gardner	Heacock	Overton	Wilson
Gunn	Hinson		

—14.

Nays:

Messrs:

Barbour	King	McWhorter	Thomas
Glenn	Lowe	Reid	White
Horton	Merritt	Strother	Wimberly.
Jones	Moody	Teasley	

—15.

The bill:

S. 150. To regulate the running of automobiles on the public highways in the State of Alabama, and to fix the liability of any owner or person running or operating an automobile over or along the public highways in this State for any injury done to persons or property and to provide a penalty for the violation of the provisions of this act.

Was taken up.

Mr. Thomas offered the following substitute for said bill:

#### A BILL

To be entitled an act, to regulate the running of automobiles on the public highways in the State of Alabama, and to fix the liability of any owner or person running or operating an automobile over or along the public highways in this State for any injury done to persons or property, and to provide a penalty for the violation of the provisions of this act.

Section 1. Be it enacted by the Legislature of Alabama, That it shall be unlawful for any person running

or operating an automobile over or along the public highways in this State, to fail to bring such automobiles to a full stop when approaching any person or persons who are driving over or along such public highways in buggies or wagons that the horses or mules attached to such buggies, wagons, or horses or mules which are being ridden or driven, are afraid or frightened at the approach of said automobile, and if necessary shall cut off the current or power by which said automobile is operated and keep such automobile standing until the horse or mule may have passed.

Section 2. Be it further enacted, That any person who violates the provisions of section 1 of this act, shall be liable in the courts of law to any person for injury to such person or his property, from a failure to comply with the provisions of section 1 of this act, and in addition to the civil liability herein provided for, shall also be guilty of a misdemeanor, and on conviction, shall be fined not less than twenty-five dollars nor more than one hundred dollars.

Mr. Reynolds offered the following amendment to the substitute offered by Mr. Thomas, to-wit:

Amend the title by inserting after the words "an automobile", in the title, the words "or traction engine or portable engine," and after the word "automobile", in the title insert the word "or traction engines or portable engines."

In section one of the act after the word "automobile" where same occurs in section one add the words "or traction engine or portable engine," and, at the end of section one add the words "and such vehicles or machines or engines shall be moved to one side of the street or road and remain stationary until the said vehicle drawn by horses or mules have passed by safely."

Which was adopted.

Yeas, 28; nays, 0.

Yeas:

Messrs:

Barbour	Gunn	Lowe	Reynolds
Blackmon	Hamner	Lusk	Spragins
Davis	Hayes	Merritt	Strother
Doster	Heacock	Miller	Teasley
Forrester	Hinson	Moody	Thomas
Gardner	Horton	Overton	White
Glenn	Jones	Reid	Wimberly.

—28.

And said substitute as thus amended was adopted.

Yeas, 20; nays, 4.

Yeas:

Messrs:

Barbour	Glenn	Horton	Overton
Blackmon	Hamburger	Jones	Reynolds
Davis	Hayes	Lusk	Teasley
Doster	Heacock	Miller	Thomas
Forrester	Hinson	Moody	White

—20.

Nays:

Messrs:

Gunn	Hamner	Lowe	Spragins
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—4.

Mr. Spragins offered the further amendment to said bill:

“Add after the words, when he discovers, ‘or ought to have discovered.’”

Which was adopted.

Yeas, 24; nays, 3.

Yeas:

Messrs:

Barbour	Hamburger	King	Reynolds
Blackmon	Hayes	Lusk	Spragins
Davis	Heacock	Miller	Strother
Doster	Hinson	Moody	Thomas
Forrester	Horton	McWhorter	White
Glenn	Jones	Overton	Wilson

—24.

Nays: Messrs. Gunn, Hamner, Merritt—3.

The said bill, as thus amended, was read a third time, at length, and passed.

Yeas, 24; nays, 4.

Yeas:

Messrs:

Barbour	Glenn	Jones	Overton
Blackmon	Hamburger	King	Reid
Davis	Hayes	Lusk	Reynolds
Doster	Heacock	Miller	Thomas
Forrester	Hinson	Moody	White
Gardner	Horton	McWhorter	Wilson

—24.

Nays:

Messrs:

Gunn	Hamner	Spragins	Strother
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—4.

Mr. Lusk wanted to change his vote from yea to nay on the Thomas amendment, but the roll call on the passage of the bill having begun the President declared him out of order, and Mr. Blackmon moved that the rules be suspended and Mr. Lusk allowed to vote "nay" instead of "yea" on Mr. Thomas's amendment; which motion prevailed.

#### RECESS.

The hour of one o'clock p. m. having arrived the Senate recessed until 3 o'clock p. m.

#### AFTERNOON SESSION.

The Senate reassembled at 3 o'clock p. m.

#### ROLL CALL.

On a call of the roll a quorum of the senators answered to their names.

PRIVILEGES OF THE FLOOR.

Privileges of the floor were extended to Hon. W. L. Parks and Mr. O. S. Lewis for today.

RECOMMITMENT OF BILL.

On motion of Mr. Merrill,  
H. 324. To define and regulate negotiable instruments.

Was taken from an adverse calendar and recommitted to the Judiciary committee.

BILLS ON THIRD READING.

The bill:

H. 658. To provide for the payment by Cullman county of one half the costs of construction of the Albritton bridge over the Mulberry river which was constructed by Blount county and has since been acquired in part by Cullman county by a change of the boundary lines between the counties of Cullman and Blount.

Was taken up.

The following amendment offered by the committee, to-wit:

Amend by striking out section 3 and insert in lieu thereof the following: "Any county commissioner of Cullman county who fails or refuses to admit or pass upon the amount certified by the court of county commissioners of Blount county so provided in section 2 of this act at next regular meeting of court of county commissioners of Cullman county after the presentation of such certified claim shall be liable to a penalty of five hundred dollars to be recovered against him in a civil action at the suit of the county of Blount."

Was adopted.

Yeas, 26; nays, 0.

Yeas :

Messrs :

Barbour	Hamburger	Merritt	Reynolds
Davis	Hamner	Miller	Strother
Doster	Heacock	Moody	Teasley
Forrester	Horton	McWhorter	White
Gardner	Jones	Overton	Wilson
Glenn	King	Reid	Wimberly
Gunn	Lusk		

—26.

The bill as amended was read a third time, at length, and passed.

Yeas, 26; nays, 1.

Yeas :

Messrs :

Barbour	Hamner	Merritt	Reynolds
Davis	Hayes	Miller	Strother
Doster	Heacock	Moody	Teasley
Forrester	Horton	McWhorter	Thomas
Gardner	Jones	Overton	White
Glenn	King	Reid	Wilson
Gunn	Leith		

—26.

Nays: Mr. Lusk—1.

The bill :

H. 616. To appropriate one-third of the net proceeds of the dispensaries operated in Houston county, Alabama, to the public schools of said county, and to provide for the collection and the disbursement of the same.

Was read a third time, at length, and passed.

Yeas, 30; nays, 0.

Yeas :

Messrs :

Barbour	Hamner	Lusk	Reynolds
Blackmon	Hayes	Merritt	Spragins
Davis	Heacock	Miller	Strother
Doster	Horton	Moody	Teasley
Forrester	Jones	McWhorter	Thomas
Gardner	King	Overton	White
Glenn	Leith	Reid	Wimberly
Hamburger	Lowe		

—30.

The bill:

H. 137. To detach Lee county from the third judicial circuit and transfer the cases pending in the circuit court of Lee county, and the jurisdiction to try and determine the same, to the Lee county court of law and equity, and to repeal conflicting laws.

Was read a third time, at length, and passed.

Yeas, 24; nays, 0.

Yeas:

Messrs:

Barbour	Hamner	Merritt	Strother
Davis	Hayes	Miller	Teasley
Forrester	Heacock	Moody	Thomas
Gardner	Jones	McWhorter	White
Glenn	King	Reid	Wilson
Hamburger	Leith	Reynolds	Wimberly.

—24.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bills and ordered same sent forthwith to the Senate without engrossment:

H. 692. To amend sections 6, 9, 10, 16, 17, 19, and 20, of an act entitled "an act to provide for the redistricting of the public schools of the State and for the management and control of the same," approved September 30, 1903.

And sends same herewith to the Senate.

H. 750. To amend an act, entitled "An act to amend an act, approved February 15th, 1899, entitled an act to amend section 908 of the Code of 1896, and to fix the time of holding the circuit court in the 10th circuit of Alabama, composed of the counties of Winston, Walker and Jefferson," approved December 13, 1900, in so far as said act relates to time of holding the circuit court for Jefferson county.

And sends same herewith to the Senate.

H. 818. To appropriate funds to be expended by the State board of health for the protection and promotion of the health of the people of the State.



And sends same herewith to the Senate.

H. 365. To classify the public schools of Alabama and to name the branches of study to be taught in the same.

And sends same herewith to the Senate.

H. 668. To provide for the participation of the State of Alabama in the Jamestown exposition to be held on and near the waters of Hampton Roads, in the State of Virginia, in the year nineteen hundred and seven, in commemoration of the first permanent settlement made in the United States, by English speaking people, in the year sixteen hundred and seven.

And sends same herewith to the Senate.

H. 189. To fix the minimum length of the term of the public schools in the State of Alabama.

And sends same herewith to the Senate.

H. 764. To provide for the employment and pay of a servant for the supreme court.

And sends same herewith to the Senate.

H. 240. To enlarge the duties of the department of archives and history.

And sends same herewith to the Senate.

Cyrus B. Brown,  
Clerk.

#### HOUSE MESSAGE.

The House bills in the foregoing House message were severally read once and referred to appropriate standing committees as follows:

H. 692, 365, 189, 240, to Education.

H. 750, to Local Legislation.

H. 818, 668, 764, to Finance and Taxation.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has amended as therein shown, and as amended has concurred in Senate joint resolution No. 51, relative to the sessions of the two houses on Thursday, Friday and Saturday of this week and the adjournment of the two Houses from Tuesday, the 26th inst., until Thursday, the 28th inst.

Cyrus B. Brown,  
Clerk.

## HOUSE MESSAGE.

On motion of Mr. Lusk an amendment to S. J. R. No. 51 adopted by the House as follows:

"Rescinding the joint resolution heretofore adopted, upon the subject of recess adjournment in so far as said joint resolution provides for such recess adjournment on the 2nd day of March, 1907, and by providing that the two Houses adjourn on March 4th, 1907, for the recess and reassemble on Tuesday, the 9th day of July, 1907, at 10 o'clock a. m."

Were concurred in.

## REPORT FROM THE COMMITTEE ON ENROLLED BILLS.

Mr. President:

The committee on Enrolled Bills have examined and compared the following Senate bills:

S. 18. To prevent any officer, agent or employee of any person, company or corporation owning or operating as a common carrier any railroad in whole or in part in this State, from charging or receiving for the transportation, originating and terminating within the State, of any article a greater or higher rate of compensation than that established by statute where a rate for the transportation of such article has been established by statute, or from refusing to receive such articles for transportation at the rate established by statute.

S. 106. To require and authorize the railroad commission to prescribe rules, regulations and requirements for the issuance and use of interchangeable mileage tickets and coupon tickets on and over lines of transportation of railroad common carriers of passengers in this State, and punish any violation of such orders, rules, regulations and requirements.

And find same correctly enrolled.

Frank S. Moody,  
Chairman.

## SIGNING OF BILLS.

The President of the Senate, in the presence of the Senate, immediately after their titles had been publicly read at length by the secretary, signed the above Senate bills, the titles of which are set out in the foregoing report from the committee on Enrolled Bills, the reading at length of said bills having been dispensed with, by a two-thirds vote of a quorum of the Senate present.

## BILLS ON THIRD READING.

The bill:

H. 136. To establish the Lee county court of law and equity, prescribe its jurisdiction and powers, its rules of practice and procedure, to provide for the selection of its officers, prescribe their powers, duties, compensation and term of office, fix the time of holding said court and provide for fees, commissions, fines, forfeitures and juries in said court, provide for supplies for said court and repeal conflicting laws.

Was read a third time, at length, and passed.

Yeas, 30; nays, 0.

Yeas:

Messrs:

Barbour	Hamburger	Lusk	Reynolds
Blackmon	Hamner	Merritt	Spragins
Davis	Hayes	Miller	Strother
Doster	Heacock	Moody	Teasley
Forrester	Horton	McWhorter	Thomas
Gardner	Jones	Overton	White
Glenn	King	Reid	Wimberly
Gunn	Leith		

—30.

The bill:

H. 50. To authorize the town of Pell City, in St. Clair county, to establish and operate a dispensary for the purpose of buying and selling spirituous, vinous and malt liquors, and to provide for the distribution of certain profits arising therefrom, and for the purpose of better controlling and regulating the sale of such liquors,

upon the casting of a majority vote in favor of such dispensary at an election to be held by the qualified voters of precincts 10, 12, 15, 16, 19, 13, 14, 11 in St. Clair county on the 2nd Monday of April, 1907; and upon the casting of a majority vote against such dispensary at the election herein provided for to repeal the act approved February 28th, 1903, establishing a dispensary at Pell City, the repeal to take effect December 31st, 1907.

Was read a third time, at length, and passed.

Yeas, 30; nays, 0.

Yeas:

Messrs:

Barbour	Hamner	Merritt	Spragins
Blackmon	Hayes	Miller	Strother
Davis	Heacock	Moody	Teasley
Doster	Horton	McWhorter	Thomas
Forrester	Jones	Overton	White
Gardner	King	Reid	Wilson
Glenn	Leith	Reynolds	Wimberly
Gunn	Lusk		

—30.

The bill:

H. 138. To detach Lee county from the northeastern chancery division, and to transfer the cases pending in the chancery court of Lee county, and the jurisdiction to try and determine the same, to the Lee county court of law and equity, and to repeal conflicting laws.

Was read a third time, at length, and passed.

Yeas, 29; nays, 0.

Yeas:

Messrs:

Barbour	Hamburger	Lowe	Reid
Blackmon	Hayes	Lusk	Reynolds
Davis	Heacock	Merritt	Spragins
Doster	Horton	Miller	Strother
Forrester	Jones	Moody	Thomas
Gardner	King	McWhorter	Wilson
Glenn	Leith	Overton	Wimberly
Gunn			

—29.

The bill:

H. 139. To abolish the county court of Lee county, to transfer the cases therein pending and its jurisdiction to try and determine the same, to the Lee county court of law and equity, and to repeal conflicting laws.

Was read a third time, at length, and passed.

Yeas, 32; nays, 0.

Yeas:

Messrs:

Barbour	Hamburger	Lowe	Reynolds
Blackmon	Hamner	Lusk	Spragins
Davis	Hayes	Merritt	Strother
Doster	Heacock	Miller	Teasley
Forrester	Horton	Moody	Thomas
Gardner	Jones	McWhorter	White
Glenn	King	Overton	Wilson
Gunn	Leith	Reid	Wimberly

—32.

The bill:

H. 631. To amend sections 1 and 2 of "An act to amend sections 1, 2 and 5 of an act to provide for an election in the various beats or parts of beats in Clay county on the subject of stock running at large in the beats or parts of beats in said county, approved December 10, 1890, approved March 4, 1901."

Was read a third time, at length, and passed.

Yeas, 24; nays, 0.

Yeas:

Messrs:

Barbour	Hamburger	Lusk	Reynolds
Davis	Hamner	Merritt	Spragins
Doster	Hayes	Miller	Strother
Forrester	Heacock	Moody	Teasley
Gardner	Horton	McWhorter	Thomas
Gunn	Jones	Reid	White

—24.

The bill:

H. 388. To repeal an act entitled "an act to incorporate the South Side Reading Club of Birmingham, Ala." approved February 13, 1897.

Was taken up.

Mr. Miller offered the following amendment:

By adding Sec. 2. This act shall take effect on and after the first day of July, 1907.

Which was adopted.

Yeas, 29; nays, 0.

Yeas:

Messrs:

Davis	Heacock	Merritt	Spragins
Doster	Horton	Miller	Strother
Forrester	Jones	Moody	Teasley
Gardner	King	McWhorter	Thomas
Glenn	Leith	Overton	White
Gunn	Lowe	Reid	Wilson
Hamner	Lusk	Reynolds	Wimberly
Hayes			

—29.

And said bill, as thus amended, was read a third time, at length, and passed.

Yeas, 28; nays, 0.

Yeas:

Messrs:

Davis	Heacock	Merritt	Spragins
Doster	Horton	Miller	Strother
Forrester	Jones	Moody	Thomas
Gardner	King	McWhorter	White
Gunn	Leith	Overton	Wilson
Hamner	Lowe	Reid	Wimberly.
Hayes	Lusk	Reynolds	

—28.

The bill:

H. 372. To authorize cities, towns and other municipal corporations to make certain improvements on the sidewalks, streets, avenues, alleys, highways, or other public places of such city, town, or other municipal corporation, to construct sewers; to assess the cost of such improvements, of any part thereof, upon the property abutting such street, avenue, alley, highway, or other public place, or drained by such sewers, or against the right of way of any railroad so improved or drained by such sewers; to make such assessments a lien on such property, and to regulate appeals from such as-

sessments; to provide methods for the enforcement of such lien, and the payment of such assessment and penalties and to authorize the issue of bonds to pay for such improvements.

Was taken up.

The following amendment offered by the committee: "By striking out at the end of section 4, the following words: "And a copy thereof must be served on every owner of property to be affected, or upon his agent."

Was adopted.

Yeas, 20; nays, 0.

Yeas:

Messrs:

Barbour	Hamburger	Lusk	Reid
Davis	Hamner	Merritt	Reynolds
Doster	Hayes	Miller	Strother
Forrester	Heacock	Moody	Teasley
Gunn	Jones	Overton	Thomas

—20.

On motion of Mr. Spragins further action on this bill at this time was postponed and the same was made a special order for 11 o'clock a. m., Thursday, February 28th, 1907.

#### INDEFINITE POSTPONEMENT OF BILL.

On motion of Mr. Heacock,

H. 51. To amend sections three (3), four (4), five (5) and six (6) of an act entitled an act to amend an act, entitled an act to establish a city court for the county of Talladega, approved February 23, 1893, as the same appears in acts of 1894-5; page 1218, et seq. To create two divisions of the city court of Talladega, to be known respectively "the Talladega division of the city court of Talladega" and the "Sylacauga division of the city court of Talladega;" to prescribe the jurisdictions of said divisions, the times and places for holding courts therein and to regulate the proceedings therein.

Was indefinitely postponed.

Yeas, 17; nays, 11.

Yeas:

Messrs:

Barbour	Gardner	Jones	Spragins
Blackmon	Glenn	Miller	Thomas
Davis	Hayes	Moody	White
Doster	Heacock	McWhorter	Wilson
Forrester			

—17.

Nays:

Messrs:

King	Lusk	Reid	Teasley
Leith	Merritt	Reynolds	Wimberly
Lowe	Overton	Strother	

—11.

#### UNFINISHED BUSINESS.

The Senate then proceeded to consider the unfinished business, which was;

S. 206. To authorize and require the appointment of five commissioners to constitute a commission, to be known as "The Judiciary Commission" and prescribe the duties and powers thereof, and fix the compensation of the members and employes thereof.

And the substitute therefor offered by the committee.

Mr. Gunn offered the following amendment to said substitute, to-wit:

Amend section one of the substitute so as to read as follows:

Section 1. Be it enacted by the Legislature of Alabama, that there is hereby constituted a commission to be known as the "Judiciary Commission to be composed of two from the Senate to be appointed by the President of the Senate and three from the House to be appointed by the Speaker of the House, no two of whom shall be from the same congressional district.

Amend section 2 so as to read as follows:

Section 2. That said commission shall convene in the capitol at Montgomery on a day to be agreed upon by



said commission, not more than twenty days from the appointment of the same when and where they will elect one of the number chairman of the commission, and also elect a clerk of said commission who shall be an expert stenographer and typewriter, and experienced in work of the character to be performed by said commission.

Amend section three so as to read as as follows:

Section 3. That said commissioners shall each be paid the sum of ten dollars per day and their actual expenses in going to and returning from their sittings, and expenses in investigating and obtaining information for the purposes of said commission, to be itemized and sworn to by each commissioner and approved by the governor, and the compensation of the clerk of said commission shall be six dollars per day and paid in like manner, all stationery and postage for the use of said commission shall be furnished by the secretary of State; said commission shall be provided with a suitable room and furniture to be designated by the governor.

Amend section 2 1-2 by striking out all that part after the word "State" in line seven.

Amend by striking out the word "Governor" where it appears in sections 5 and 6 and insert in lieu thereof the words "President of the Senate and Speaker of the House."

Mr. Lusk moved to lay said amendment on the table.

Which was lost.

Yeas, 11; nays, 20.

Yeas:

Messrs:

Davis	Lusk	Reynolds	Thomas
Glenn	Merritt	Spragins	Wimberly
Jones	Reid	Teasley	

—11.

Nays:

Messrs:

Barbour	Hamburger	Jones	McWhorter
Blackmon	Hamner	Leith	Overton
Forrester	Hayes	Lowe	Strother
Gardner	Heacock	Miller	White
Gunn	Horton	Moody	Wilson

—20.

And said amendment was then adopted.

Yeas, 20; nays, 10.

Yeas:

Messrs:

Barbour	Gunn	Jones	McWhorter
Blackmon	Hamner	Leith	Overton
Doster	Hayes	Lowe	Strother
Forrester	Heacock	Miller	White
Gardner	Hinson	Moody	Wilson

—20.

Nays:

Messrs:

Glenn	Merritt	Spragins	Thomas
King	Reid	Teasley	Wimberly
Lusk	Reynolds		

—10.

Mr. Gunn offered another amendment to said substitute to-wit:

Amend by striking out the word "Commission wherever it occurs in the caption and in the body and insert in lieu thereof the word "Committee."

By striking out section seven of the substitute.

Which was adopted.

Yeas, 17; nays, 10.

Yeas:

Messrs:

Barbour	Hamner	Lowe	McWhorter
Blackmon	Hayes	Merritt	Overton
Forrester	Heacock	Miller	White
Gardner	Leith	Moody	Wilson
Gunn			

—17.

Nays:

Messrs:

Davis	King	Reynolds	Teasley
Glenn	Lusk	Spragins	Wimberly
Hinson	Reid		

—10.

Mr. Hamner offered the following amendment:

Amend by striking out \$10.00 per day where it occurs in the bill and substitute in lieu thereof \$4.00 per day.

Pending the consideration of which, Mr. Spragins moved that said bill with all pending amendments be indefinitely postponed, which motion was overruled.

Yeas, 18; nays, 10.

Yeas:

Messrs:

Barbour	Hamner	Reynolds	Thomas
Blackmon	Hinson	Spragins	White
Davis	Jones	Strother	Wilson
Forrester	King	Teasley	Wimberly
Glenn	Leith		

—18.

Nays:

Messrs:

Gardner	Lowe	Moody	Overton
Gunn	Lusk	McWhorter	Reid
Heacock	Merritt		

—10.

PAIR ANNOUNCED.

Mr. Miller announced that he and Mr. Horton had paired, that if Mr. Horton was present, he would vote yea, and that he Mr. Miller, would vote nay.

BILLS ON THIRD READING RESUMED.

The Bill:

S. 69. To amend sections 897, 900, 905, 906, 907, 908, and 911 of article 1, chapter 19 of the code of Alabama.

Was taken up.

And the following substitute offered by the Judiciary Committee, to-wit:

#### A BILL

To be entitled an act to amend sections 897 and 911 of chapter 19, article 1 of the code of Alabama.

Section 1. Be it enacted by the Legislature of Alabama, That sections 897 and 911 of chapter 19, article 1, of the code of Alabama, be amended so as to read as follows:

897 (748) State divided into judicial circuits. That State is divided into judicial circuits, to be numbered and composed of counties as follows:

First circuit: Choctaw, Clarke, Marengo, and Monroe. Second circuit: Butler, Conecuh, Crenshaw, Escambia and Lowndes. Third circuit: Barbour Bullock, Dale, Henry and Russell. Fourth circuit: Bibb, Dallas, Hale, Perry and Wilcox. Fifth circuit: Chambers, Coosa, Macon, Randolph and Tallapoosa. Sixth circuit: Fayette, Green, Lamar, Pickens, Sumter and Tuscaloosa. Seventh circuit: Calhoun, Clay, Cleburne, Shelby and Talladega. Eighth circuit: Cullman, Lawrence, Limestone, Madison and Morgan. Ninth circuit: Cherokee, DeKalb, Jackson and Marshall. Tenth circuit: Jefferson. Eleventh circuit: Colbert, Franklin, Lauderdale and Marion. Twelfth circuit: Coffee, Covington, Geneva, Houston and Pike. Thirteenth circuit: Baldwin, Mobile and Washington. Fourteenth circuit: Walker, and Winston. Fifteenth circuit. Autauga, Chilton, Elmore and Montgomery. Sixteenth circuit: Etowah, St. Clair, and Blount.

Sec. 2. That section 911 of the code of 1896 be amended so as to read as follows. 911. The circuit courts in the thirteenth judicial circuit shall be held in each year as follows: "In the county of Baldwin on the first Monday in March and October, and may continue three weeks, . 2. In the county of Washington on third Monday after the first Monday in March and October, and may continue three weeks. 3. In the county of Mobile on the sixth Monday after the first Monday in March and October, and may continue until the first Monday in March and October following.

911 a. The circuit courts in the fourteenth judicial circuit shall be held in each year as follows: 1. In the county of Winston on the second Monday in January and July, and may continue two weeks. 2. In the county of Walker on the fourth Monday in January and

July, and may continue until the business is disposed of.

911 b. The circuit courts in the fifteenth judicial circuit shall be held in each year as follows: 1. In the county of Elmore on the second Monday after the fourth Monday in February, and may continue two weeks, and the first Monday in July and may continue one week, and on the third Monday after the third Monday in September and may continue two weeks. 2. In the county of Autauga on the fourth Monday after the fourth Monday in February, and may continue two weeks; and on the second Monday in July and may continue one week; and on the fifth Monday after the third Monday in September and may continue two weeks. 3. In the county of Chilton on the sixth Monday after the fourth Monday in February, and may continue two weeks; and on the third Monday in July and may continue one week and on the seventh Monday after the third Monday in September and may continue two weeks. 4. In the county of Montgomery on the second Monday in January and may continue until the business is disposed of, and on the third Monday in September and may continue until the business is disposed of. The terms of court in Montgomery shall not be affected by the terms of court to be held in the counties of Autauga, Chilton and Elmore, but the judge thereof, may, when he deems it necessary, recess said term to be held in the county of Montgomery without adjourning the same. That in the county of Montgomery no grand jury shall be organized for said court, unless in the opinion of the presiding judge the public good requires it; and when organized it shall be done in the same manner as now provided by law for the organization of grand juries for a special or adjourned term of the circuit courts of the State.

911 c. The circuit courts in the sixteenth judicial circuit shall be held in each year as follows: 1. In the county of Blount on the first Monday in January and June, and may continue one week for the trial of cases, where triable by the court or judge without a jury, and on the first Monday in March and September, and may

continue two weeks for the trial of cases to be tried by jury, both civil and criminal. 2. In the county of St. Clair on the second Monday in January and June and may continue one week for the trial of cases triable by the court or Judge without jury, and on the third Monday in March and September, and may continue two weeks for the trial of civil and criminal cases triable by jury. 3. In the county of Etowah on the third Monday in January and June, and may continue until the business is disposed of; only cases triable by the judge or court without a jury shall be tried at these terms, unless otherwise ordered by the judge; and on the first Monday in April and October and may continue until the business is disposed of; only cases to be tried by a jury shall stand for trial at these terms, unless otherwise ordered by the judge or court as provided by law.

In Blount and St. Clair counties grand and petit juries shall be summoned and empannelled at the second and fourth terms as herein provided in each year, and all cases pending in the circuit courts of said counties, which are triable by jury, both civil and criminal shall be tried. In the county of Etowah no grand juror shall be drawn or summoned at any time, unless ordered by the judge or court as provided by law.

Section 3. That this act shall go into effect from and after its approval and the governor shall immediately appoint a judge and solicitor for circuits in which a vacancy of such offices may exist.

Was adopted.

Yeas, 23; nays, 1.

Yeas:

Messrs:

Barbour	Hamner	Lusk	Reynolds
Davis	Hayes	Merritt	Spragins
Forrester	Hinson	Miller	Strother
Gardner	Jones	Moody	Teasley
Glenn	King	McWhorter	Thomas
Hamburger	Leith	Reid	

—23.

Nays: Mr. Wilson—1.

And said bill as amended was read a third time at length and passed.

Yeas, 23; nays, 1.

Yeas:

Messrs:

Barbour	Hamner	Lusk	Reynolds
Davis	Hayes	Merritt	Spragins
Forrester	Hinson	Miller	Strother
Gardner	Jones	Moody	Teasley
Glenn	King	McWhorter	Thomas
Hamburger	Leith	Reid	

—23.

Nays: Mr. Wilson—1.

The Bill:

S. 156. To amend section 1009 of the code of Alabama, 1896.

Was taken up.

Pending the consideration of which

#### ADJOURNMENT.

The hour of 6 o'clock p. m., having arrived, the Senate adjourned until 10 o'clock a. m., tomorrow morning.

#### THIRTY-SECOND DAY.

Tuesday, February 26th, 1907.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Green of the city.

#### ROLL CALL.

Present:

Mr. President, and

Messrs:

Barbour	Davis	Gardner	Hamburger
Bayles	Doster	Glenn	Hamner
Blackmon	Forrester	Gunn	Hayes

Heacock	Lowe	Overton	Teasley
Hinson	Lusk	Reese	Thomas
Horton	Merritt	Reid	White
Jones	Miller	Reynolds	Wilson
King	Moody	Spragins	Wimberly.
Leith	McWhorter	Strother	

—35.

## JOURNAL.

On motion of Mr. Gardner the reading of the Journal of yesterday was dispensed with and the same was approved.

## PRIVILEGES OF THE FLOOR.

The privileges of the floor were extended to Job Goins, E. D. Smith, W. R. Walker, Mayor Clements, H. C. Thatch, Jno. D. Burnett, Jas. Balentine.

## SPECIAL ORDER SET.

On motion of Mr. Gunn,

S. 355. To establish an irrigation board for the State of Alabama, define its duties, to appropriate money to pay the expenses for carrying out its provisions, to provide for the appointment of an irrigation commissioner, to define his duties and to fix his compensation.

Was made a special order for Thursday, February 28, 1907, at 11:30 o'clock, a. m.

## ORDER TO PRINT.

On motion of Mr. Wimberly the secretary was directed to have 500 copies of

S. 354. Regulate the practice of medicine in the State of Alabama.

Printed for the use of the Senate.



## INTRODUCTION OF BILLS.

On a call of the districts, bills were introduced, read one time and referred to appropriate standing committees as follows:

By Mr. Hays:

S. 373. To fix the compensation of the assistant clerk in the office of the commissioner of agriculture and industries and make appropriations therefor.

Finance and Taxation.

By Mr. King:

S. 374. To provide for filling vacancies in the office of the railroad commission.

Privilege and Elections.

## REPORTS OF COMMITTEES.

Mr. Miller, chairman of the committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered the same returned to the Senate with a favorable report.

S. 363. To amend section 2240 of the code of Alabama of 1896, and to appropriate the sum of six hundred dollars for the secretary of the Senate and the clerk of the House, respectively, for filing and arranging the papers of their respective houses in the office of the secretary of State and copy and deliver to the public printer the Journals of their respective houses, with proper indexes thereto.

Also,

H. 764. To provide for the employment and pay of a servant for the supreme court.

Also,

S. 351. To establish a normal school for education of white male and female teachers at Daphne, in Baldwin county, Alabama.

Also, (with amendment):

S. 355. To establish an immigration board for the State of Alabama, to define its duties, to appropriate

money to pay the expenses for carrying out its provisions, to provide for the appointment of an immigration commissioner, to define his duties and to fix his compensation.

Mr. Merritt, chairman of the standing committee on Local Legislation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report.

H. 96. To provide for the payment of certain fine and forfeiture funds in the hands of the clerk of the circuit court of Cullman county, Alabama.

Also,

H. 727. To provide for the appointment of an official stenographer for the city court of Montgomery, to prescribe his duties and to fix his compensation.

Also,

H. 726. To fix the salary of the judge of the city court of Montgomery.

Mr. Strother, chairman of the standing committee on Municipalities and Organizations, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report.

S. 358. To provide for the extension of the corporate limits of cities and towns having one thousand inhabitants or more, and fixing the rights, powers, duties, liabilities and jurisdictions of the city or town over the territory brought into the corporate limits, and the rights of the inhabitants thereof, and to provide for the apportionment between the city or town and county of the road and bridge tax collected by the county on the property within the city, and the expenditure of the funds by the city.

Mr. Hamburger, chairman of the standing committee on Military, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report.

S. 361. To Preserve and to confirm unto the purchasers of swamp and overflowed lands of the State of Alabama, the titles to lands sold by the agents or receivers of the State, or by any person or persons purporting to act as agents or receivers of the State, prior to February 12th, 1879.

Mr. Strother, chairman of the standing committee on Municipalities and Municipal Organizations, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate, with a favorable report.

(With amendment) :

H. 34. To provide means for the extension of the corporate limits of cities having twenty-five thousand inhabitants or over, and exempting from city taxation property brought within the corporate limits for certain periods of time, and fixing the rights, powers, duties, liabilities and jurisdiction of the city over the territory brought into the corporate limits, and the rights of the inhabitants thereof, including the rights relating to public schools, and to provide for the apportionment between a city and county of the road and bridge tax collected by the county on property within the city, and the expenditure of the fund by the city.

Also, (with amendment) :

H. 35. To provide for the annexation and merger of any city or town into a contiguous city or town.

Mr. Wimberly, chairman of the standing committee on Public Health, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report.

S. 354. To regulate the practice of medicine in the State of Alabama.

Also,

H. 218. To prohibit the display of nude pictures of a man, woman, or girl in any public place except art galleries.

Also,

H. 562. To regulate the practice of pharmacy and the sale of poisons in the cities and towns of more than nine hundred inhabitants in the State of Alabama and fixing the penalty for violations thereof, and to repeal chapter 89 of the civil code of Alabama 1896, and section 5335 of the criminal code of Alabama 1896, and all laws in conflict with the provisions of this act.

Mr. Reynolds, chairman of the standing committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report.

H. 240. To enlarge the duties of the department of Archives and History.

Mr. Merritt, chairman of the standing committee on Local Legislation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report.

(With amendment) :

H. 449. To change and define the boundary line of Bibb county, Alabama, between said county and the counties of Shelby and Jefferson.

The foregoing bills contained in said committee reports, were severally read a second time and placed on the calendar.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The Speaker of the House on account of temporary disability, being absent, the House has selected Hon. A. H. Carmichael, representative from Colbert county, Speaker pro tempore of the House of Representatives.

Cyrus B. Brown, Clerk.

#### REPORT OF COMMITTEE ON ENGROSSED BILLS.

Mr. Spragins of the committee on Engrossed Bills, reported as follows:

The committee on Engrossed Bills report that they have examined Senate bills numbered 65, 91, 122, 213, 220, 221, 261, 301, 303, 312, 328, 332, 333, 327, 343, and compared them with the original bills respectively and found them to be correct.

February 25th, 1907.

Robt. E. Spragins, Chairman.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in the Senate amendment to the bill H. 658. To provide for the payment by Cullman county of one-half the costs of construction of the Albritton bridge over the Mulberry river which was constructed by Blount county and has since been acquired in part by Cullman county by a change of the boundary lines between the counties of Cullman and Blount.

And the House has amended as therein shown and as amended has concurred in S. J. R. — relative to the printing and distribution of the general laws passed at this session of the Legislature.

And herewith returns same to the Senate.

Cyrus B. Brown, Clerk.

#### HOUSE MESSAGE.

On motion of Mr. Spragins the Senate concurred in the following amendment adopted by the House to the Senate joint resolution the title of which is set out in the foregoing message from the House, to-wit:

Make it "5 copies of same to each member of the Legislature" and one copy to the judge of every court of record and one copy to every solicitor."

#### NOTICE.

Mr. Leith gave the following notice:

Notice is hereby given that the undersigned will make a motion on the 28th day of Feb., 1907, to take from the adverse calendar and place on the calendar for its pas-

sage the following resolution to appoint a committee to examine into conditions or trust among and between manufacturers of guano and fertilizer and to inquire into violations of the law concerning guano and fertilizer.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has adopted the H. J. R. herewith sent:  
Mr. Smith, of Elmore:

H. J. R. No. 178. Whereas, There has been no provision of law for the payment of mileage to the Senator and Representative from the county of Houston and whereas these members are entitled to such mileage under the constitution.

Therefore, Be it resolved by the House the Senate concurring, that the auditor is hereby instructed to issue his warrant on the State treasurer for the mileage of such members. And the presiding officers of the two Houses shall certify to the auditor the amount due such members of their respective bodies as mileage upon such certificate the auditor shall draw his warrant as aforesaid.

Cyrus B. Brown, Clerk.

HOUSE MESSAGE.

On motion of Mr. Lusk the Senate concurred in H. J. R. No. 178. The title and body of which is fully set out in the foregoing message from the House.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bills:

H. 613. To amend section 4066 of the code of 1896. And sends the same to the Senate.

H. 614. To make subject to taxation in this State money lent, solvent credits, and credits of value and moneyed capital.

And sends the same to the Senate.

H. 612. To amend an act entitled an act to regulate the collection of the poll taxes in the State of Alabama, approved Feb. 12th, 1903.

And sends the same to the Senate.

H. 623. To amend section 2584 of the code of 1896.

And sends the same to the Senate.

H. 611. To further provide for the revenue of the State, by requiring all foreign corporations authorized to do business in this State under the laws of the State of Alabama, to pay an annual franchise tax.

And sends the same to the Senate.

H. 202. For the additional relief of needy confederate soldiers and sailors, who are resident citizens of the State of Alabama, and their widows, by the appropriation of three hundred thousand dollars annually for the years 1907, 1908, 1909 and 1910.

And sends the same to the Senate.

H. 698. Requiring the court of county commissioners, of Limestone county, Alabama, to levy an annual county license tax of \$7,000.00 on the dispensary operated by the board of mayor and aldermen of the municipality of Athens, Ala., and to provide for the expenditure of eighty per cent of the license tax money for public road improvement outside of the corporate limits of Athens, Alabama, and the remaining twenty per cent to be paid to the superintendent of education of Limestone county to supplement the rural public school fund.

And sends the same to the Senate with notice and proof attached and exhibited herewith as follows:

The State of Alabama, }  
Limestone County. }

Personally appeared before me, George Maloue, judge of probate in and for Limestone county, Alabama, R. H. Walker, who being duly sworn, deposes and says that he is the publisher of the Limestone Democrat, a newspaper published in said State and county, and that the notice attached hereto, being notice of the intention to introduce a bill to tax the dispensary located at Athens,

Alabama, \$7,000, appeared in the said Limestone Democrat for four consecutive weeks, beginning with the issue of Friday, Jan. 18th, 1907, to-wit:

A BILL

To be entitled an act requiring the court of county commissioners of Limestone county, Alabama, to levy an annual county license tax of \$7,000 on the dispensary operated by the board of men, aldermen of the municipality of Athens, Ala., and to provide for the expenditure of eighty per cent of the license tax money for public road improvement outside of the corporate limits of Athens, Alabama, and the remaining twenty per cent to be paid to the superintendent of education of Limestone county to supplement the rural public school fund.

Section 1. Be it enacted by the legislature of Alabama, That the court of county commissioners of Limestone county, Alabama, be and they are hereby required to levy a county license tax of \$7,000 on the dispensary operated in Athens, Alabama, by the board of men aldermen of said municipality, said license tax shall be payable, \$3,500.00, July the 1st, and \$3,500.00 on December the 31st of each year in separate payments. Said license tax shall be paid by the city treasurer of the corporation of Athens, Alabama, to the said court of county commissioners and shall by said court be expended as follows: Eighty per cent of the license tax money shall be expended on the improvement of the public roads of Limestone county, Alabama, outside of the corporate limits of Athens, Alabama, and the remaining twenty per cent shall be paid to the superintendent of education of Limestone county, Alabama, and shall by him be used to supplement the rural school fund.

Section 2. Be it further enacted: That the books of the dispenser of the dispensary operated by the said municipality of Athens, Alabama, shall be open at all times for the inspection of the court of county commis-



sioners, and a financial statement of the dispensary shall be published semi-annually by the court of county commissioners of Limestone county.

(Signed) R. H. Walker,  
Publisher Limestone Democrat.

Subscribed and sworn to before me this 9th day of Feb., 1907.

(Signed) George Malone,  
Judge of Probate.

H. 688. To create the office of county solicitor for Madison county, and to prescribe his duties and powers, and to fix his compensation or salary, and to provide for his appointment and election.

And sends the same to the Senate with notice and proof attached and exhibited as follows:

Notice and Proof, H. 688.

The State of Alabama, }  
Madison County. }

Before me, W. F. Esslinger, a notary public in and for said State and county, this day peronally appears Roy O'Neal, who being duly sworn, says that the following notice of intention to apply for local law, to-wit:

NOTICE OF INTENTION TO APPLY FOR LOCAL LAW.

Notice is hereby given that a bill will be introduced in the legislature of Alabama at its session begining the second Tuesday in January, 1907, the substance of which is to create the office of county solicitor for Madison county, to prescribe his duties and powers, to fix his compensation or salary, and to provide for his appointment and election.

The governor appoints the solicitor to hold until the general election in 1910, and until his successor is elected or appointed and qualified. He must be a resident of the county. His term of office is four years and until his successor is elected or appointed and qualified. A solicitor is elected at the general election in 1910.

Vacancies in the office are filled by appointment of the governor, the appointee to hold until the next general election of circuit solicitors, when a solicitor is elected for a full term of four years. He is entitled to the same fees for convictions as circuit solicitors for like convictions. He is allowed to retain such fees until the same aggregate fifteen hundred dollars or such other sum as the legislature may determine, which is the amount of his salary or compensation for a year; the balance of the fees to be paid into the county treasury to the credit of the general fund. A penalty is fixed for his failure to make such payment. At the end of each year of his service, he must make an itemized statement under oath to the county treasurer of all fees collected the preceding year, and a penalty is fixed for default as to this.

When he is absent or incompetent by reason of relationship, or when there is a vacancy, or he refuses to act, the judge appoints a competent attorney to act who is entitled to ten dollars a day while he so acts to be paid out of the county treasury. The solicitor discharges all duties required of circuit solicitors, and is liable to all pains and penalties of circuit solicitors, and all rules and laws governing circuit solicitors, so far as practicable and not in conflict with any provisions of the act, are adopted. He can appoint an assistant or deputy, who receives only such compensation as the solicitor sees fit to make him, to hold office during his term and removable at his pleasure, and who can represent the solicitor in all courts and before grand juries. The solicitor attends upon the law and equity court of the county, courts of justices and notaries, when notified, and upon all courts of the county wherein criminal business is transacted, and upon all grand juries. All conflicting laws are repealed.

Was published once a week for four consecutive weeks upon the following dates, to-wit: January 2, 9, 16, and 23, 1907, in the Evening Banner, a newspaper published in said county of Madison, and that affiant is the editor and publisher of said newspaper. Roy O'Neal.

Sworn to and subscribed before me this the 24th day  
of Janaury, 1907.

W. F. Esslinger,  
Notary Public.

H. 728. To repeal an act in so far as it relates to Washington county, approved December 13th, 1894, entitled an act to repeal section 4 of an act to prescribe the manner of electing county commissioners of Pike, Bullock, Washington, Baldwin, Butler, Choctaw, Fayette, Shelby, DeKalb, and Pickens counties, approved January 30th, 1893, and to prescribe the manner of electing the commissioners of said counties.

And sends the same to the Senate with notice and proof attached and exhibited herewith as follows:

#### NOTICE.

Is hereby given of the intention to apply to the Legislature of the State of Alabama at the next session thereof for the repeal of a local law which substantially provides as follows:

#### AN ACT

To repeal an act approved December 13th, 1894, to prescribe the manner of electing the commissioners in the counties of Bullock, Baldwin, Pickens, Fayette and Washington, as far as the same applies to Washington county.

Be it enacted by the General Assembly of Alabama that an act approved December 13th, 1894, prescribing the manner of electing the commissioners in the counties of Bullock, Baldwin, Pickens, Fayette and Washington, is hereby repealed so far as the same relates to Washington county.

1-10-4t.

The State of Alabama     }  
Washington County.       }

W. A. Mosely being duly sworn, deposes and says that he is proprietor of The Washington County News,

a newspaper published at St. Stephens, Washington county, Alabama, that the notice of the intention of giving notice to repeal an act, a copy of which is hereto attached, was first published in said paper in its issue dated January 10, 1907, and was published in each weekly issue of said newspaper thereafter, the last publication thereof being in the issue dated January 31st, 1907.

W. A. Mosely.

Subscribed and sworn to before me this fourth day of Feb'y., 1907.

James B. Rawls, Notary Public.

H. 682. For the relief of the school trustees of township four (4), range eight (8) west of Lawrence county, Alabama.

And sends the same to the Senate, with notice and proof attached and exhibited herewith as follows:

TO WHOM IT MAY CONCERN.

We, the trustees of the sixteenth section fund, hereby give notice that we will make application to the next Legislature to refund all taxes paid to the State on the sixteenth section land in township 4, range 8.

W. H. Smith,

T. J. Smith.

W. C. Bracken, Sec. of Board of Trustees of 6th Section.

The State of Alabama, }  
Lawrence County. }

Before me, J. C. Kumpe, judge of the probate court of said county, personally appeared Jourd White, who being duly sworn, deposes and says that he is one of the editors, publishers and proprietors of the Moulton Advertiser, a newspaper published in said county of Lawrence, and that the foregoing notice, given by W. H. Smith and T. J. Smith, was published in said paper in five (5) consecutive weekly issues as follows, to-wit: The issue of December 20th, 1906; the issue of Decem-

ber 27th, 1906; the issue of January 3rd, 1907; the issue of January 10th, 1907; the issue of January 17th, 1907.

Jourd White.

Sworn to and subscribed before me this the 29th day of January, 1907.

J. C. Kumpe,  
Judge of Probate.

H. 788. To make further provisions for defraying the expenses of the Legislature.

And sends same to the Senate without engrossment.

H. 811. To provide for the payment of expenses incurred by the door-keeper of the House and door-keeper of the Senate.

And sends the same to the Senate.

H. 763. To provide for a joint committee of the Senate and House to sit during the recess of the Legislature to prepare a general municipal bill.

And sends the same to the Senate.

H. 708. To authorize the court of county commissioners of Walker county, Alabama, to borrow money and pay interest thereon.

And sends the same to the Senate, with notice and proof attached and exhibited herewith as follows:

#### A BILL

To be entitled, an act, to authorize the court of county commissioners of Walker county, Alabama, to borrow money and pay interest thereon.

Section 1. Be it enacted by the Legislature of Alabama, That the court of county commissioners of Walker county, Alabama, be and the same is hereby authorized to borrow money and pay interest thereon, and for such purpose to execute promissory notes, or issue interest-bearing warrants for and in the name of said county, the sum so borrowed to be a part of the fund for which it was borrowed and, with the interest, to be paid thereon. Provided, the sum borrowed under and by virtue of the authority contained herein shall not in any one year exceed fifty thousand dollars.

Sec. 2. Be it further enacted, That all laws and parts of laws, in conflict with the provisions of this act, be and the same are hereby repealed.

NOTICE.

Notice is hereby given that application will be made to the present session of the Alabama Legislature for the passage of the foregoing law.

(Copy.)

The State of Alabama, }  
Walker County. }

Before me, E. W. Long, clerk of the circuit court, in and for said State and county, personally appeared J. W. Young, who being duly sworn, deposes and says that he is editor and manager of the Walker County News, a newspaper published in Jasper, county and State afore-said, and that a certain notice which is hereto attached, was published in said paper for four consecutive weeks next prior to this date.

This the 25th day of January, 1907.

J. W. Young,  
Editor of the Walker County News.

Sworn to and subscribed before me, this the 25th day of January, 1907.

E. W. Long,  
Circuit Clerk.

H. 709. To authorize the town of Haleysville, in Winston county, to establish and operate a dispensary for the purpose of buying and selling spirituous, vinous and malt liquors within its corporate limits, and to provide for the distribution of certain profits arising therefrom, and to further regulate or prohibit the sale of such liquors within said town.

And sends the same to Senate with notice and proof attached and exhibited as follows.

## NOTICE.

Notice is hereby given that a bill in substance as follows will be introduced for passage at the present session of the Legislature of Alabama.

An act to authorize the town of Haleysville, in Winston county, to establish and operate a dispensary for purpose of buying and selling spirituous, vinous and malt liquors within the corporate limits and to provide for the distribution of certain profits arising therefrom, and to further regulate or prohibit the sale of such liquors within said town.

Be it enacted by the Legislature of Alabama:

Section 1. The town of Haleysville, in Winston county, shall have authority to establish and carry on in its corporate name, in its corporate capacity and through its legislative body, the business of buying and selling spirituous, vinous and malt liquors, subject to the restrictions and conditions hereinafter mentioned. The place at which said business is carried on shall be called a dispensary. This dispensary shall be conducted only within the corporate limits of said town. Said municipality shall invest in said business a sum of money not less than three hundred dollars, nor more than fifteen hundred dollars. The liquors bought and sold as herein provided shall be of the purest and best quality.

Section 2. The office of dispenser is hereby created. The first dispenser shall be elected within ninety days from the passage of this act, and shall continue in office until the 1st day of January, 1898. The term of his successors in office shall be one year. Each dispenser shall hold office until his successor is elected and qualified, and shall reside in said county and within two miles of the corporate limits of said town at the time of his nomination and election.

Section 3. For the purpose of aiding in the election of dispenser as herein prescribed the judge of the judicial circuit of the State in which said town is or may be situated shall furnish to the mayor or chief executive of said town the names of three competent men, each of

whom shall have their place of residence as provided, shall be twenty-one years of age, and shall be esteemed as honest, temperate, law-abiding and in every respect competent to carry on the business of a dispenser for said town. One such list such judge shall furnish within ninety days from the date of the passage of this act, and one within thirty days prior to Dec'r 20th, 1907, and one within the same time every year thereafter. Within ninety days from the date of the passage of this act the legislative body of said town shall, from the persons nominated by the circuit judge, elect a dispenser, and, likewise, before the first day of each succeeding term of office, a dispenser shall be elected for said town. Each dispenser, under the direction and control of said town, shall buy and sell liquors and carry on the business of the dispensary for the term for which he is elected, and until his successor is elected and qualified. Said town shall furnish its dispenser such sums of money, within the limits aforesaid, that it wishes to use in conducting the business. Before entering upon the duties of his office the dispenser shall make oath or affirmation before an officer authorized to administer oaths, that he will obey all laws of the State of Alabama and of said town, relative to the sale, giving away or delivery of liquors of every kind. He shall also before beginning business, execute to said town a bond in the sum of one thousand dollars, conditioned for the faithful and honest discharge of the duties as such dispenser. Such bond shall have at least two good and sufficient sureties, and shall be approved by the mayor or other chief executive of said town. For neglect of business, incompetency, misfeasance or malfeasance in office, intemperance or other good cause, such dispenser may be removed from office by the legislative or governing body of said town. Whenever a vacancy in said office occurs from any cause whatever, the mayor or chief executive of said town shall immediately certify that fact to the circuit judge, who shall immediately furnish a list of men, as above provided, from which the legislative body shall elect a dispenser to fill the vacancy.



Section 4. The legislative or governing body of said town shall pay such dispenser a salary to be fixed by said body before the dispenser is elected. Said salary shall be not less than thirty-five dollars per month. Said legislative body shall not make or permit the amount of said salary to depend upon the amount of sales that may be made by its dispenser.

Section 5. The dispenser shall not sell any liquor of any kind in quantity less than one-half pint. He shall not make more than one sale to the same person in one day, and he shall not make any sale between the hour of 6 p. m. of one day and 6 a. m. of the next day.

Sec. 6. Said dispenser shall not sell to any person of known intemperate habits. He shall not himself drink, consume or give away liquor of any kind or any quantity on the premises on which said business is conducted. Said dispenser shall not permit or suffer any person whomsoever to drink, consume or give away any liquor on said premises, but this section shall not be construed so as to prohibit the dispenser or some employe designated by him from sampling liquors which he may contemplate purchasing. Said dispenser shall report to the grand jury any person whom he believes to be guilty of violating the provisions of this section.

Sec. 7. Any person who drinks or consumes or in any manner disposes of any liquor on said premises except as permitted in section six (6) of this act, shall be guilty of a misdemeanor and on conviction shall be fined not less than fifteen, nor more than one hundred dollars.

Sec. 8. The dispenser shall not sell any spirituous, vinous or malt liquors or intoxicating drinks of any kind whatever that are not contained in sealed packages. He shall not receive or keep any broken packages in his dispensary. If any original package should be broken the contents shall be bottled and the bottle sealed.

Sec. 9. The dispenser shall buy and sell for cash only. He shall keep an accurate account of his purchases and the amount of each day's sales. He shall make to the legislative body of the town and to the probate

judge of the county of Winston weekly reports on such forms and under such directions, rules and regulations as said legislative body may require, and he shall give full and accurate information as to the condition, expenses, profits, losses and status of the business. He shall make other and additional reports oral or in writing whenever and as often as the legislative body of said town or any member of said body may require, or as the probate judge or court of county commissioners or any member of said court may require. Subject to the provisions of this act, such legislative body shall require and control the conduct and management of said business.

Sec. 10. On the 1st day of January of each year said town shall pay into the county treasury one-third of the net profits of such dispensary after deducting all the expenses of operating. Provided that the capital invested in said business shall first be refunded. The treasurer of said county of Winston shall keep said fund separate and apart from all other county funds and the same shall be paid to the county superintendent of education of said county and by him applied to the district school in said Co. in the same proportion as the public school fund of the State is now distributed, said fund shall be blended with the State fund, that is, paid out for the same purposes and in the same manner by the county superintendent of education. One-third of said net profits shall be set aside and used exclusively for school purposes in and by said town; one-sixth shall be set aside and used exclusively for street and other public improvements in and by said town; one-sixth shall be converted into the general fund of said town.

Sec. 11. No gates, doors or other opening shall connect the dispensary with any adjacent house or lot so as to permit ingress or egress into and out of such house or lot from and into the dispensary.

Sec. 12. All laws and parts of laws that conflict with the provisions of this act are hereby repealed.

Sec. 13. The dispensary operated under the provisions of this law shall annually pay into the treasury of the State as a license tax the same amount of money

that is now required of a retail liquor dealer in a town of the population of Haleysville, or such license tax as may hereafter be prescribed by law to be paid by the dispensaries in this State.

J. C. Taylor.

The State of Alabama, }  
Winston County. }

Personally appeared before me, R. L. Blanton, a notary public in and for said county, J. C. Taylor, who being first duly sworn, deposes and says that the attached notice is a true and correct copy of notice of introduction of bill in the Legislature of Alabama at its present session, and that said notice was given by publication once a week for four consecutive weeks next prior hereto in the New Era, a weekly newspaper, printed at Double Springs, Winston county, Alabama.

J. C. Taylor.

Sworn to and subscribed before me, this Feb'y. 11th, 1907.

R. L. Blanton, Notary Public.

H. 667. For the relief of Mary A. Pope, widow of an ex-confederate soldier, being a resident of Marion county, Alabama.

And sends the same to the Senate, with notice and proof attached and exhibited herewith as follows:

#### NOTICE.

Notice is hereby given that I shall apply to the Legislature, session 1907, for a law for the relief of A. A. Heard, an ex-confederate soldier, and Mary A. Pope, widow of an ex-confederate soldier, who have for several years been on the pension rolls of Marion county, Ala., and who by mistake were reported to the auditor as being dead, so that said pensioners will receive auditor's warrant for pension of 1906 and their names be restored to the pension rolls.

Mack Pearce.

The State of Alabama, }  
 Marion County. }

Before me, Mack Pearce, judge of probate in and for said State and county, this day personally appeared G. J. Wilson, who, being by me first duly and legally sworn, deposes and says that he is editor and publisher of the Marion County News, a weekly newspaper published in the town of Hamilton, in said Marion county, Alabama, and that a certain notice, a true and correct copy of which is hereunto attached, was inserted in said Marion County News and published once a week for four consecutive weeks in said newspaper before the making of this affidavit, and that said publication was made without cost to the State.

G. J. Wilson.

Sworn to and subscribed before me this the 3rd day of January, A. D., 1907.

Mack Pearce,  
 Judge of Probate.

H. 639. To amend section 2 of an act entitled an act, "To establish a charter for the town of Ashland, Clay county, Alabama."

And sends the same to the Senate, with notice and proof attached and exhibited herewith as follows:

#### NOTICE OF LEGISLATION.

Notice is hereby given of the intention to apply to the Legislature of Alabama, at its present session which commenced January 8th, 1907, for the enactment of a law amending the present charter of the town of Ashland, Clay county, Alabama, which was approved Feb. 3, 1897, so as to extend the corporate limits of said town to embrace the following territory, to-wit: One mile in every direction from the court house of said county which is located in the center of the public square in the town of Ashland, Clay county, Alabama, also to amend section 12 of said act so as to give said corporation the right to issue bonds for school purposes and for the erection of school buildings and the maintenance thereof, after first submitting same to a vote of

the qualified electors of said town. To erect, maintain and operate a system of waterworks or electric lights or both and to issue bonds for same, after first submitting said bond issue to a vote of the qualified electors of said town. To grant the right of way through the streets of said town for street or other railroad purposes, telephones or telegraph lines. To give to said town full power and authority to pass all needful by laws and ordinances necessary for the good welfare of the town, and to incorporate same in said amended chapter of section 12 of said town.

The State of Alabama, }  
Clay County. }

Before me, F. J. Ingram, judge of probate, in and for said county and State, personally appeared C. F. Stripplin, known to me to be the business manager of the Standard, a newspaper published at Ashland, in said county, who being by me duly sworn, deposes and says that the attached notice was published once a week for four consecutive weeks in said newspaper before the making of this affidavit.

C. F. Stripplin,  
Bus. Mgr.

Sworn to and subscribed before me, this the 2nd day of February, 1907.

F. J. Ingram,  
Judge of Probate.

#### HOUSE MESSAGE.

The House bills in the foregoing House message were severally read once and referred to appropriate standing committees as follows:

H. 613, to Revision of Laws.

H. 614, 623, 611, 202, 811, 667, 788, to Finance and Taxation.

H. 612, 763, to Judiciary.

H. 709, to Temperance.

H. 698, 688, 728, 682, 708, 639, to Local Legislation.

## REPORT FROM COMMITTEE ON ENROLLED BILLS.

Mr. President:

The committee on Enrolled Bills have examined and compared the following Senate bills:

S. 83. To appropriate the sum of six thousand dollars for the completion and improvement of the school buildings of the 8th congressional district agricultural school located at Athens, the main school building having been destroyed by a storm in November, 1906.

S. 236. To alter, rearrange and extend the corporate limits of the city of Mobile, Alabama.

And find same correctly enrolled.

Frank S. Moody,  
Chairman.

## SIGNING OF BILLS.

The President of the Senate, in the presence of the Senate, immediately after their titles had been publicly read at length by the secretary, signed the above Senate bills, the titles of which are set out in the foregoing report from the committee on Enrolled Bills, the reading at length of said bills having been dispensed with, by a two-thirds vote of a quorum of the Senate present.

## MESSAGE FROM THE HOUSE.

Mr. President:

The House has adopted H. J. R. herewith sent:

By Mr. Pitts, of Perry:

H. J. R. 178. Resolved by the House, the Senate concurring, That the two said bodies meet in joint session in the Hall of Representatives today at twelve forty-five o'clock for the purpose of hearing the Honorable E. D. Smith, president of the Cotton Association of South Carolina, a friend of the farmer, opposed to bucket shops, and who will speak words of wisdom to our people.

Cyrus B. Brown,  
Clerk.

## HOUSE MESSAGE.

On motion of Mr. Gardner, the Senate concurred in the foregoing House joint resolution No. 178.

## BILLS ON THIRD READING.

The bill:

S. 156. To amend section 1009 of the code of Alabama, 1896.

Was read a third time at length and passed.

Yeas, 20; nays, 10.

Yeas:

Messrs:

Barbour	Gunn	Horton	Reynolds
Blackmon	Hamburger	Jones	Spragins
Davis	Hamner	King	Teasley
Doster	Hayes	Leith	Thomas
Forrester	Heacock	McWhorter	Wimberly

—20.

Nays:

Messrs:

Bayles	Lowe	Miller	Strother
Glenn	Lusk	Overton	Wilson
Hinson	Merritt	Reid	

—10.

And the same was ordered sent forthwith to the House without engrossment.

The bill:

H. 379. To fix the salaries of the chancellors, supernumerary judge and circuit judges.

Was taken up.

The following amendment proposed by the committee on Judiciary, to-wit:

Amend section 1, by striking the word "two" and insert in lieu thereof the word "five."

And amend section 2 by inserting after the word "thousand" the words "and five hundred."

Was adopted.

Yeas, 21; nays, 4.

Yeas:

Messrs:

Barbour	Hamburger	Lusk	Spragins
Bayles	Hayes	Merritt	Strother
Blackmon	Heacock	Miller	Teasley
Davis	Horton	Moody	Thomas
Forrester	Leith	Reynolds	Wimberly
Gunn			

—21

Nays:

Messrs:

Hamner	Jones	King	McWhorter
--------	-------	------	-----------

—4.

And said bill as thus amended was read a third time at length and passed.

Yeas, 23; nays, 7.

Yeas:

Messrs:

Barbour	Gardner	Horton	Spragins
Bayles	Glenn	Jones	Strother
Blackmon	Gunn	Leith	Teasley
Davis	Hamburger	Merritt	Thomas
Doster	Heacock	Moody	Wimberly
Forrester	Hinson	Reynolds	

—23.

Nays:

Messrs:

Hamner	King	Miller	Overton
Hayes	Lusk	McWhorter	

—7.

The bill:

S. 329. To grant to towns and cities which own and operate dispensaries the power to contract with the governing body of the county in which such town or city is situated to give to such county fifty per cent of the net revenue of such dispensary for the purpose of paying interest upon, and providing a sinking fund for the redemption of, any bonds issued by such county for the purpose of constructing public roads in such county.

Was read a third time at length and passed.



Yeas, 28; nays, 0.

Yeas:

Messrs:

Barbour	Hamner	Leith	Reynolds
Davis	Hayes	Lusk	Spragins
Doster	Heacock	Merritt	Strother
Forrester	Hinson	Miller	Thomas
Glenn	Horton	Moody	White
Gunn	Jones	McWhorter	Wilson
Hamburger	King	Overton	Wimberly.

—28.

And the same was ordered sent forthwith to the House without engrossment.

The bill:

H. 371. To provide for the inspection of jails and almshouses.

Was taken up.

Mr. Moody offered the following amendment:

Amend H. 371 by striking out the figures and mark "\$24,000," where they occur in line 1 of section 2 of the bill and insert in lieu thereof the words and figures and mark "\$24,00.00." Instead of the word "remied," appearing in line three of section 6, and in lieu thereof insert the word "remedied."

Which was adopted.

Yeas, 20; nays, 0.

Yeas:

Messrs:

Davis	Hamburger	Jones	McWhorter
Doster	Hamner	King	Reynolds
Forrester	Heacock	Lusk	Spragins
Glenn	Hinson	Miller	Strother
Gunn	Horton	Moody	White

—20.

Mr. Reynolds offered the following amendment:

Amend by adding the words "and cotton mills" to the title after the last word in section three add the words "and he shall also inspect every cotton mill or factory and make reports from time to time to the governor on

their condition, sanitary and otherwise and it shall be his duty to institute prosecutions in case of any violation of the laws relating to the operation of cotton mills or factories and the working of children in same below the legal age."

Which was adopted.

Yeas, 29; nays, 0.

Yeas:

Messrs:

Barbour	Hamburger	Leith	Reynolds
Bayles	Hamner	Lusk	Spragins
Blackmon	Heacock	Merritt	Strother
Davis	Hinson	Miller	Teasley
Doster	Horton	Moody	Thomas
Forrester	Jones	McWhorter	White
Glenn	King	Reid	Wilson
Gunn			

—29.

Mr. Hamner moved to reconsider the vote by which Mr. Moody's amendment to said bill was passed.

Mr. Reynolds moved to table the motion of Mr. Hamner to reconsider.

Which was lost.

Yeas, 10; nays, 18.

Yeas:

Messrs:

Davis	King	Reid	Spragins
Gunn	Merritt	Reynolds	Wimberly.
Heacock	Moody		

—10.

Nays:

Messrs:

Barbour	Glenn	Jones	Strother
Bayles	Hamburger	Leith	Teasley
Blackmon	Hamner	Lusk	White
Doster	Hinson	McWhorter	Wilson
Forrester	Horton		

—18.

And the vote by which the Moody amendment was passed was reconsidered.

And Mr. Hamilton offered the following amendment:  
Amend by striking out \$2,400.00 where it occurs in the bill and insert in lieu thereof \$1,800.00.

Mr. Moody moved to lay the amendment offered by Mr. Hamner on the table.

Which motion prevailed and the amendment offered by Mr. Moody was again adopted.

Yeas, 21; nays, 5.

Yeas:

Messrs:

Blackmon	Hinson	Moody	Reynolds
Davis	Jones	McWhorter	Spragins
Glenn	King	Overton	Strother
Gunn	Leith	Reese	Teasley
Hayes	Lusk	Reid	Wimberly
Heacock	Merritt		

—21.

Nays:

Messrs:

Barbour	Doster	Hamner	Wilson
Bayles			

—5.

Mr. Reynolds then offered the further amendment, to-wit:

Amend the title of said bill by inserting after the word almshouses the words "and a secretary therefor." And amend section two by adding after the last word in said section the words "said inspector may also employ if necessary a secretary who shall receive a salary of one thousand dollars per year and shall perform such duties as may be assigned him by the inspector in connection with said office and his salary shall be paid monthly by the auditor by a warrant on the state treasurer."

Which on motion of Mr. Merritt was laid on the table.

And said bill as amended was read a third time at length and passed.

Yeas, 25; nays, 2.

Yeas:

Messrs:

Barbour	Hayes	Lusk	Reid
Blackmon	Heacock	Merritt	Reynolds
Davis	Hinson	Moody	Spragins
Doster	Jones	McWhorter	Strother
Forrester	King	Overton	Thomas
Glenn	Leith	Reese	Wimberly

—25.

Nays: Messrs. Bayles, Hamner—2.

The bill:

H. 442. To amend section 4447 of the code of 1896.

Was read a third time at length and passed.

Yeas:

Messrs:

Barbour	Heacock	Miller	Spragins
Bayles	Hinson	Moody	Strother
Doster	Jones	Overton	Teasley
Forrester	King	Reese	Thomas
Glenn	Leith	Reid	White
Gunn	Lowe	Reynolds	Wilson
Hamner	Lusk		

—26.

#### POSTPONEMENT OF BILL.

On motion of Mr. Teasley

S. 227. To prevent the erection or maintaining of storage warehouses or freight depots, or building intended, constructed or used for either of said purposes upon or across any public street of any city in Alabama.

Was postponed until the 11th day of July, 1907.

The bill:

S. 284. To further regulate municipal corporations, to confer additional rights, power and authority, on the same, to prescribe the manner in which such rights, powers and authority may be acquired and conferred, and to provide the manner in which charters for such corporations may be obtained and amended.

The committee offered the following amendments:

Amend the bill by striking out section 2 and inserting in lieu thereof the following:

Section 2. When any city or town heretofore incorporated, whether under the general laws or by a special act of the Legislature, shall desire to amend its charter or to increase and extend its rights, powers and authority, under this act, the board of mayor and aldermen or other governing board of said city or town, may adopt an ordinance by a vote of two-thirds of all the members elected to said board, stating that said town desires to increase and extend its rights, powers and authority under this act and setting forth in said ordinance the rights and powers enumerated in this act, or such part of same as it is desired shall be conferred on said city or town; and within ten days from the passage of said ordinance, the mayor or other chief executive of said city or town, must cause same to be published in some newspaper published in said city or town, and if no newspaper is published therein, then by posting a copy of said ordinance in at least four places in said city or town, and must file a copy of said ordinance in the office of the probate judge of the county in which said city or town is situated; and thereupon the rights and powers enumerated in said ordinance shall become a part of the charter or other governing law of said city or town, and said city or town shall be invested with, and shall have the right to exercise all the rights, powers and authority therein set out in like manner as if the same had been embraced in its original charter or conferred upon it when it was originally incorporated.

Amend by inserting after the words "from" in the last line of subdivision 25 of section 5, the words "the State for feeding other."

Amend by striking out all of subdivision 70 of section 5, after the word "Council" in the fifth line of said subdivision.

Also amend by renumbering subdivisions of section 5 beginning with the subdivision following subdivision 50.

Also amend by striking out the words "Or condemn wherever the same occurs in the bill."

Amend by striking out subdivisions 51, 52 and 61 of section 5.

Amend subdivision 67 of section 5 so as to read as follows:

(67.) To purchase any and all plants or systems of waterworks, serving in whole or in part the city or its inhabitants, gas, electricity, or other means of supplying light, heat, or power, in whole or in part to the city or its inhabitants, together with all other rights, franchises and property of any kind or character whatsoever belonging to or operated by the same. No city or town owning a public service plant or system for the supply of a city or town or citizens thereof with any commodity or service shall sell or dispose of the said plant or system unless the question of such sale shall have been first submitted to an election of the qualified electors of such city or town and a majority of the qualified voters thereof shall have voted in favor of such sale, and shall not mortgage or make any other lien or charge thereon, except for the purchase money therefor, or for the extension, betterment or improvement thereof.

Mr. Spragins offered as a substitute for said bill, Senate bill 198, heretofore introduced by Mr. Thomas, pending the consideration of which the Senate at 12:40 a. m.

#### RECESSED

Until 3 o'clock this afternoon and the Senate proceeded to the House to hear an address by Hon. E. D. Smith, of South Carolina.

#### AFTERNOON SESSION.

The Senate reassembled at 3 o'clock p. m.

#### ROLL CALL.

On a call of the roll a quorum of the Senators answered to their names.

## RESOLUTIONS.

Mr. Miller offered the following resolution :

Resolved that :

Senate Bill 346, (chaplain of convicts) ;

House Bill 178, (Boys' Industrial School) ;

House Bill 179, (Boys Industrial School) ;

House Bill 233, (Deaf, Dumb and Blind) ;

House Bill 323, (Medical College) ;

Be made special paramount and continuing orders in the order named for 4:15 o'clock this afternoon until disposed of.

Which was read and referred to the committee on Rules.

Mr. Strother offered the following resolution :

Resolved, that when the Senate adjourns this afternoon it shall be to meet at eight o'clock tonight.

Which under a suspension of the rules was adopted.

## REPORT FROM RULES COMMITTEE.

Mr. Strother, from the Rules committee, reported favorable with the following amendment the resolution offered by Mr. Miller this afternoon, to-wit :

Amend by striking out the words 4:15 o'clock p. m. and insert in lieu thereof the word eight o'clock tonight.

Which report was adopted.

## BILLS ON THIRD READING.

The bill :

H. 163. To fix the time of holding the city court of Montgomery.

Was read a third time at length and passed.

Yeas, 19; nays, 0.

Yeas :

Messrs :

Barbour	Hinson	Moody	Reynolds
Blackmon	King	McWhorter	Spragins
Gunn	Lowe	Overton	Strother
Hamner	Merritt	Reese	Teasley
Hayes	Miller	Reid	White

## MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bills:

H. 806. To better provide for maintaining, working and repairing the public roads of Henry county, Alabama.

And sends the same to the Senate with notice and proof attached and herewith exhibited as follows:

## NOTICE.

Notice is hereby given that there will be a bill introduced at the present session of the Legislature of Alabama, to provide for the construction, repairing and working the public roads of Henry county.

The substance of the proposed law is to have the judge of probate of Henry Co., immediately after the approval of this act appoint a suitable man superintendent of public roads of Henry Co.

To hold said office until the regular election of county officials in 1908 when the qualified electors of said Co. shall elect his successor and said officer shall be elected every four years. To provide for the payment of said superintendent of public roads not less than \$50.00 nor more than \$75.00 per month as may be determined by the commissioners' court. To give said superintendent full charge and control of all teams, tools and road implements belonging to the county. To allow said superintendent to hire not less than five nor more than ten hands to work on said roads, the number to be determined by the commissioners' court. To provide for the levy of one-fourth of one per centum on all the taxable property of the county for the purpose of keeping in repair the public roads, bridges, culverts and causeways of the county. To provide for the working of the able bodied convicts of the county or appropriating the money earned by the county convicts of the county to said roads.



To provide for the judge of probate, county clerk and sheriff to appoint three apportioners for each precinct of said county and that the said apportioners appoint one overseer and apportion hands to each public road in said precinct.

To provide for the superintendent to make bond with good sureties in the sum of \$1,500.00.

To provide for the working all male citizens, from 21 to 50 years old on said roads for not more than two days in succession nor not more than ten days in any one year not counting days engaged in opening new roads, and to provide adequate punishment for all defaulters. And to provide for the commissioners court to appropriate sufficient funds to keep teams, tools and implements sufficient to work said roads.

The State of Alabama, }  
Henry County. }

Before me, R. W. Miller, a notary public in and for said county, personally appeared A. U. Grouby, who being duly sworn, deposes and says: That he is editor and proprietor of The Abbeville News, a newspaper published weekly (in Henry county, Alabama; that the printed notice hereto attached) was clipped from said newspaper, and that said notice was published in said paper four consecutive weeks, beginning with issue on January 25, 1907, and ending with issue on Feb'y. 15, 1907.

A. U. Grouby.

Sworn to and signed before me, this 18th day of February, 1907.

R. W. Miller, Notary Public.

H. 237. To establish a normal school for education of white male and female teachers at Daphne, in Baldwin county, Alabama.

And sends the same to the Senate.

The House has originated and passed the following bill and has ordered same sent forthwith to the Senate without engrossment:

H. 330. To establish an immigration board for the State of Alabama, to define its duties, to appropriate money to pay the expenses for carrying out its provisions, to provide for the appointment of an immigration commissioner, to define his duties and to fix his compensation.

And sends same herewith to the Senate.

H. 765. To alter or change the boundary line between the counties of Etowah and Chilton, in the State of Alabama, and as altered to establish the same.

And sends the same to the Senate, with notice and proof attached and herewith exhibited as follows:

#### NOTICE

Of proposed boundary line between Etowah and Calhoun Counties.

Notice is hereby given that a bill will be introduced at the coming session of the Legislature for the purpose of cutting off the following territory:

Beginning at the northwest corner of section thirty, township twelve, range eight, thence south along range line to the point where said range line intersects the old Indian boundary line, thence easterly along said Indian boundary line, to where the same is intersected by the section line between section thirty-three and section thirty-four of said township and range, thence north along said section line and continuing between sections twenty-seven and twenty-eight to the northeast corner of said section twenty-eight, thence westerly along the section line on the north boundary line of sections twenty-eight, twenty-nine and thirty to beginning point, and adding said territory to Etowah county.

The State of Alabama, }  
Etowah County. }

Before me, J. W. Penn, judge of probate of said county in said State, personally appeared Charles E. Meeks, who being duly sworn, says on oath that the above notice was and has been published once a week, for four consecutive weeks, in the Gadsden Daily Times-News, a

newspaper published in said county and State, and that said Charles E. Meek is the treasurer and general manager of said newspaper.

Chas. E. Meeks.

Sworn to and subscribed before me this the 12 day of January, 1907.

J. W. Penn,  
Judge of Probate.

H. 718. For the relief of the dispensary of the town of Gordon, Houston county, Alabama, whereas, the dispensary in the town of Gordon, Houston county, Alabama, did pay to the State of Alabama, \$250.00 for the year 1906, as a license to sell spirituous, vinous and malt liquors in said town, and whereas, the law under which said dispensary was run was held and declared unconstitutional by the circuit court of Houston county, Alabama, after the taking out and paying for said license, and prior to the 20th day of January, 1906; and the commissioners who were running and operating said dispensary were ousted by said court, and ordered to desist by said court from further running or operating of said dispensary; and said commissioners, in obedience to said order ceased to run said dispensary any longer, or to sell spirituous, vinous or malt liquors under the said license any longer.

And sends the same to the Senate, with notice and proof attached and herewith exhibited as follows:

#### NOTICE.

Notice is hereby given that application will be made to the present Legislature, to pass the following law:

An act for the relief of the dispensary of the town of Gordon, Houston county, Alabama, whereas, the dispensary in the town of Gordon, Houston county, Alabama, did pay to the State of Alabama, \$250.00, for the year 1906, as a license to sell spirituous, vinous and malt liquors in said town, and whereas the law under which said dispensary was run was held and declared unconstitutional by the circuit court of Houston county, Ala-

bama, after the taking out and paying for said license, and prior to the 20th day of January, 1906, and the commissioners who were running and operating said dispensary, were ousted by said court and ordered to desist by said court, from further running or operating of said dispensary; and said commissioners, in obedience to said order, ceased to run said dispensary any longer or to sell spirituous, vinous or malt liquors under said license any longer; therefore,

Section 1. Be it enacted by the Legislature of Alabama, That the auditor is hereby authorized and directed to draw his warrant on the State treasurer, payable to W. E. McEachern, treasurer of the dispensary in the town of Gordon, Houston county, Alabama, for the sum of \$235.00.

Section 2. That the sum of two hundred and thirty-five dollars is hereby appropriated out of any funds belonging to the State not otherwise appropriated for the payment of same warrant.

Benjamin Snead.

The State of Alabama, }  
Houston County. }

Before me, Nannie McAliley, notary public, in and for said county, personally some W. F. Ussery, known to me to be the editor and manager of Wire Grass Siftings, a weekly newspaper published in said county, who, being by me duly sworn, deposes and says that he is the editor and manager of Wire Grass Siftings, a weekly newspaper that is published at Dothan in Houston county, Alabama, and that the attached notice was published once a week for four successive weeks in said newspaper, before the making of this affidavit.

W.F. Ussery.

Sworn to and subscribed before me, this the 9th day of February, A. D., 1907.

Nannie McAliley,  
Notary Public.  
Cyrus B. Brown,  
Clerk.

## HOUSE MESSAGE.

The House bills in the foregoing House message were severally read once and referred to appropriate standing committees as follows:

H. 806, 765, to Local Legislation.

H. 237, to Finance and Taxation.

H. 330, to Immigration and Industrial Resources.

H. 718, to Temperance.

The Lieutenant Governor having here absented himself from the chamber the President pro tem of the Senate assumed the chair and presided.

## BILLS ON THIRD READING.

The bill:

H. 85. To constitute a board of jury commissioners for Choctaw county.

Was read a third time, at length, and passed.

Yeas, 19; nays, 0.

Yeas:

Messrs:

Barbour	Hayes	Moody	Spragins
Blackmon	Hinson	McWhorter	Strother
Gunn	King	Overton	Teasley
Hamburger	Lowe	Keese	White
Hamner	Miller	Reynolds	

—19.

The bill:

H. 156. To provide for the payment of the outstanding indebtedness of the late municipal corporation, known as the mayor, aldermen and common council of the city of Mobile, evidenced by bonds of said corporation bearing date January 1st, 1881; to authorize the city of Mobile to issue bonds for that purpose; to create a lien upon the wharf property, and water front rights and privileges of the city of Mobile to secure the payment of said bonds at maturity, and to regulate the application of the net revenues derived therefrom to aid the payment of interest on bonds issued under this act; to authorize the city of Mobile to levy a special tax to fully pay the interest on said bonds, and to provide for

the winding up of the trust created by the act of February 24th, 1881.

Was read a third time, at length, and passed.

Yeas, 21; nays, 0.

Yeas:

Messrs:

Barbour	Hinson	Miller	Reynolds
Blackmon	Jones	Moody	Spragins
Gunn	King	McWhorter	Strother
Hamburger	Low	Overton	Teasley
Hamner	Merritt	Reese	White
Hayes			

—21.

The bill:

H. 114. To prohibit the sale, barter or exchange of vinous, spirituous, or malt liquors or intoxicating biters, or beverages, at any place in the county of Etowah, except within the corporate limits of the cities of Gadsden and Attalla.

Was taken up.

The following amendment offered by the committee, to-wit:

Amend section 1, line 2, by adding after the words "this act", the following: "or as soon thereafter as same shall have been ratified by a majority vote of the qualified electors of Etowah county at some special election to be held for such purpose, or at some general election to follow its approval by the governor.

Which was adopted.

Yeas, 18; nays, 1.

Yeas:

Messrs:

Blackmon	Jones	Moody	Spragins
Gunn	King	McWhor'er	Strother
Hamburger	Lusk	Overton	Teasley
Hamner	Merritt	Reynolds	White
Hayes	Miller		

—18.

Nays: Mr. Barbour—1.

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 19; nays, 0.

Yeas:

Messrs:

Barbour	Hayes	Miller	Spragins
Blackmon	Jones	Moody	Strother
Gunn	King	McWhorter	Teasley
Hamburger	Lowe	Overton	White
Hamner	Merritt	Reynolds	

—19.

The bill:

H. 536. To prohibit the sale, barter, exchange or giving away of spirituous, vinous or malt liquors or intoxicating drinks within Camp Smith, precinct No. 12, and Wheeler's Precinct No. 9, in Colbert county.

Was read a third time, at length, and passed.

Yeas, 21; nays, 0.

Yeas:

Messrs:

Barbour	Hinson	Miller	Reynolds
Blackmon	Jones	Moody	Spragins
Gunn	King	McWhorter	Strother
Hamburger	Lowe	Overton	Teasley
Hamner	Merritt	Reese	White
Hayes			

—21.

The bill:

H. 618. To repeal an act entitled an act "To prohibit the manufacturing of vinous, spirituous or malt liquors or to sell, give away or otherwise dispose of vinous, spirituous or malt liquors, or other intoxicating beverages within six miles of Union Hill Baptist church in beat 17, of Henry county, passed by the General Assembly of Alabama, session of 1898-1899, and approved on the 21st day of February, 1899.

Was read a third time, at length, and passed.

Yeas, 27; nays, 0.

Yeas :

Messrs :

Barbour	Hamburger	Lowe	Reynolds
Bayles	Hamner	Merritt	Spragins
Davis	Hayes	Miller	Strother
Doster	Hinson	Moody	Teasley
Forrester	Jones	McWhorter	White
Glenn	King	Overton	Wilson
Gunn	Leitch	Reese	

—27.

#### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker pro tem of the House having signed the following House bills your signature thereto is requested:

H. 79. To provide a better system of public roads for Blount county.

H. 345. To limit the number of constables, bailiffs and deputies who shall be paid out of the county treasury of Walker county, Alabama, for services in waiting upon and attending the regular, special or adjourned terms of the Walker county law and equity court and the circuit court of Walker county, Alabama.

H. 514. To repeal an act entitled "An act to regulate the trial of misdemeanors in Morgan county, Alabama," approved February 23, 1899, and to provide for the transfer of all causes and all papers and books relating thereto, remaining undetermined on the docket of said county court of Morgan county, to the Morgan county law and equity court.

H. 245. To provide for the better equipment and support of the University of Alabama, and to appropriate funds therefor.

H. 468. To provide for the payment of interest on the fund in the State treasury, the proceeds of lands sold by the "Alabama Girls' Industrial School."

H. 250. To aid and encourage technical education in the State of Alabama, in providing for the erection and equipment of buildings and increased facilities at the Alabama Polytechnic Institute.



H. 167. To authorize the establishment of State depositories for State fund, to authorize State and county officers to deposit funds therein; to provide for the regulation and control of such depositories; to provide security for the funds deposited therein; and to provide penalties for the violations of the rules and regulations prescribed for the establishment, management and control of such institutions.

H. 423. To appropriate annually \$67,000.00 or so much thereof as is necessary, to aid rural school districts in the State to erect or to repair public school houses.

H. 665. To prescribe rules and regulations relating to demurrage and car service and charge therefor and the respective rights, duties, obligations, liabilities and remedies of common carriers by rail and shippers and consignees with respect to the furnishing of empty cars and the transportation and delivery of freight and delay to shippers and consignees in the loading and unloading of cars and the receiving of freight, and charges for such delay.

H. 596. To provide for holding separate terms of the circuit court for Coffee county, in the twelfth judicial circuit, at Enterprise, for the following portions of Coffee county, to-wit: Township 3, range 22; township 4, range 22; township 5, range 22; township 3, range 21; township 4, range 21; the east one-half of township 3, range 20; the following sections in township 4, range 20, to-wit: 13, 22, 23, 24, 25, 26, 27, 34, 35, 36; and all that portion of territory in township 6 range 22; township 7, range 22; township 5, range 21; township 6, range 21, lying south of Pea river, and to regulate the holding of such court; to provide buildings and accommodations therefor, making its jurisdiction within such district exclusive of the jurisdiction it exercises when sitting at Elba in said county of Coffee, defining the powers of the judge and clerk thereof, and regulating the drawing of its grand and petit jurors and providing for the transfer of causes from the circuit court held at Elba to said court held at Enterprise, and from the latter to the former.

H. 138. To detach Lee county from the northeastern chancery division, and to transfer the cases pending in the chancery court of Lee county, and the jurisdiction to try and determine the same, to the Lee county court of law and equity, and to repeal conflicting laws.

H. 139. To abolish the county court of Lee county, to transfer the cases there pending and its jurisdiction to try and determine the same, to the Lee county court of law and equity, and to repeal conflicting laws.

H. 137. To detach Lee county from the third judicial circuit, and to transfer the cases pending in the circuit court of Lee county, and the jurisdiction to try and determine the same, to the Lee county court of law and equity, and to repeal conflicting laws.

H. 658. To provide for the payment by Cullman county of one half of the costs of construction of the Albritton bridge over the Mulberry river which was constructed by Blount county and has since been acquired in part by Cullman county by a change of the boundary lines between the counties of Cullman and Blount.

H. 616. To appropriate one-third of the net proceeds of the dispensaries operated in Houston county, Alabama, to the public schools of said county, and to provide for the collection and the disbursement of the same.

H. 631. To amend sections 1 and 2 of "An act to amend sections 1, 2 and 5 of an act to provide for an election in the various beats or parts of beats in Clay county on the subject of stock running at large in the beats or parts of beats in said county, approved Dec. 10, 1890," approved March 4, 1901.

H. 136. To establish the Lee county court of law and equity, prescribe its jurisdiction and powers, its rules of practice and procedure, provide for the selection of its officers, prescribe their powers, duties, compensation and term of office, fix the time of holding said court, and provide for fees, commissions, fines, forfeitures and juries in said court, provide for supplies for said court and repeal conflicting laws.

Cyrus B. Brown,  
Clerk.

## SIGNING OF BILLS.

The Lieutenant Governor being absent, the President pro tem of the Senate, in the presence of the Senate, immediately after their titles had been publicly read at length by the secretary, signed the above House bills, the titles of which are set out in the foregoing message from the House. The reading at length of said bills having been dispensed with, by a two-thirds vote of a quorum of the Senate present.

After the signing of said House bills, the Lieutenant Governor returned to the chamber and resumed the chair.

## REPORT FROM THE COMMITTEE ON ENROLLED BILLS.

Mr. President:

The committee on Enrolled Bills have examined the following Senate bills:

S. 16. To fix and establish the maximum rates to be charged by railroads now operating or which may hereafter operate, as common carriers in whole or in part in the State of Alabama, for the transportation, originating and terminating within the State, of certain articles, and for this purpose to classify said articles and said railroads.

S. 48. To create the fourteenth judicial circuit for the State of Alabama, to be composed of the counties of Autauga, Chilton, Elmore and Montgomery; to confer equity jurisdiction on said court as to matters arising in Autauga, Elmore and Chilton counties, and provide for registers in chancery therein; to provide for the appointment of a judge and solicitor for said court and for the removal of pending causes and the remanding of pending appeals to the new court; to regulate the convening of grand and petit juries in said court and to authorize the judge of said circuit court to adopt reasonable rules of practice to facilitate the business of the court.

And found same to be correctly enrolled.

Frank S. Moody,  
Chairman.

## SIGNING OF BILLS.

The President of the Senate, in the presence of the Senate, immediately after their titles had been publicly read at length by the secretary, signed the above Senate bills, the titles of which are set out in the foregoing report from the committee on Enrolled Bills. The reading at length of said bills having been dispensed with, by a two-thirds vote of a quorum of the Senate present.

## BILLS ON THIRD READING.

The bill:

H. 370. To amend section one of an act, entitled an act, to amend the act "to incorporate the city of Tuscaloosa," approved March 12th, 1873, by amending section one of said act, so as to extend the boundary lines of said city," approved February 20th, 1889, so as to fix, define, and enlarge, the boundaries of said city of Tuscaloosa.

Was taken up.

The following amendment offered by the committee, to-wit:

1. Erase the words "be it enacted by the General Assembly of Alabama," where they occur in the first section of the bill, and insert in lieu thereof, the words, "Be it enacted by the Legislature of Alabama."

2. Insert the word "the" before the words, "said city of Tuscaloosa" where said words occur in the last line of the title.

3. Erase the comma where it occurs after the words "said avenue" in line 39 of the bill.

4. Put a parenthesis around the last four lines of the bill.

Was adopted.

Yeas, 23; nays, 0.

Yeas:

Messrs:

Barbour	Hayes	Merritt	Reynolds
Blackmon	Hinson	Miller	Spragins
Forrester	Jones	Moody	Strother
Gunn	King	McWhorter	Teasley
Hamburger	Leith	Overton	Wilson
Hamner	Lowe	Reese	

—23.

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 27; nays, 0.

Yeas:

Messrs:

Barbour	Hamburger	Lowe	Reid
Bayles	Hamner	Merritt	Reynolds
Blackmon	Hayes	Miller	Spragins
Doster	Hinson	Moody	Strother
Forrester	Jones	McWhorter	Teasley
Glenn	King	Overton	Wilson
Gunn	Leith	Reese	

—27.

The bill:

H. 617. To provide for the establishment of dispensaries in Houston county, Alabama.

Was read a third time, at length, and passed.

Yeas, 25; nays, 0.

Yeas:

Messrs:

Barbour	Hamburger	Leith	Overton
Bayles	Hamner	Lowe	Reese
Blackmon	Hayes	Merritt	Reynolds
Doster	Hinson	Miller	Spragins
Forrester	Jones	Moody	Strother
Glenn	King	McWhorter	Teasley
Gunn			

—25.

The bill:

S. 310. Conferring on railroads operating in the State of Alabama, the right to acquire lands for depots,

freight yards and team tracks by condemnation proceedings, in the mode prescribed by law, after application for permission to bring such condemnation proceedings has first been submitted to and approved by the railroad commission of Alabama.

Was read a third time, at length, and passed.

Yeas, 23; nays, 0.

Yeas:

Messrs:

Barbour	Hinson	Miller	Spragins
Davis	Jones	Moody	Strother
Gunn	King	Overton	Teasley
Hamburger	Leith	Reese	White
Hamner	Lowe	Reid	Wilson
Hayes	Merritt	Reynolds	

—23.

And sends the same to the House without engrossment.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated the following bill:

H. 574. To establish a dispensary in and for the town of Clanton in the county of Chilton, State of Alabama, and to provide for the conduct and regulation of the same.

And sends the same to the Senate, with notice and proof attached and exhibited herewith as follows:

The State of Alabama, }  
Chilton County. }

Personally appeared before me, Sam W. Collins, clerk of the circuit court in and for said county, Frank Crichton, who being by me duly sworn, deposes and says, on oath, that he is the editor and publisher of The Banner; that The Banner is a weekly newspaper published in the town of Clanton, Chilton county, Alabama, on Thursday of each week; and affiant further says, on oath, that a notice in words and figures as follows, to-wit:

## "NOTICE."

"The public will take notice that a bill will be introduced in the Legislature of the State of Alabama, during its next session, to establish a dispensary in and for the town of Clanton, Chilton county, Alabama, for the sale of spirituous and vinous liquors, malt liquors, wines, ciders and other intoxicating liquors.

"This the 26th day of December, A. D., 1906."

Was published once a week for four consecutive weeks in The Banner, aforesaid, beginning on Thursday, the 27th day of December, 1906.

Frank Chrichton,  
Editor and Publisher of The Banner.

Subscribed and sworn to before me, this the 30th day of January, A. D., 1907.

Sam W. Collins,  
Clerk Circuit Court Chilton County.

## MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bills:

H. 689. To fix the terms of the circuit court of Madison county and to dispense with grand juries in said court, except when specially ordered by the judge.

And sends the same to the Senate, with notice and proof attached and exhibited herewith as follows:

The State of Alabama, }  
Madison County. }

Before me, W. F. Esslinger, a notary public in and for said State and county, this day personally appears Roy O'Neal, who being duly sworn, says that the following notice of intention to apply for local law to-wit:

## NOTICE OF INTENTION TO APPLY FOR LOCAL LAW.

Notice is hereby given that a bill will be introduced into the legislature of Alabama, at its session beginning the second Tuesday in January, 1907, the substance of

which is to fix the terms of the circuit court of Madison county and to dispense with the grand juries in said court, except when specially ordered by the judge as now provided by law for the organization of special grand juries, and repealing all conflicting laws.

Was published once a week for four consecutive weeks upon the following dates, to-wit; January 2, 9, 16, and 23, 1907, in the Evening Banner, a newspaper published in said county of Madison, and that affiant is the editor and publisher of said newspaper. Roy O'Neal.

Sworn to and subscribed before me this the 24th day of January, 1907.

W. F. Esslinger,  
Notary Public.

H. 176. To regulate the payment of claims against the fine and forfeiture fund of Talladega county.

And sends the same to the Senate, with notice and proof attached and exhibited herewith as follows:

#### ACT FOR THE LEGISLATURE.

Notice is hereby given of the intention to apply to the Legislature of Alabama at its next session, for the passage of the following law affecting Talladega county, Alabama, to-wit:

#### AN ACT

To regulate the payment of claims against the fine and forfeiture fund of Talladega county.

Section 1. Be it enacted by the Legislature of Alabama, That all claims against the fine and forfeiture fund of Talladega county shall be paid in the order of their registration.

Section 2. Be it further enacted by the Legislature of Alabama, That all claims of any kind which have heretofore been registered against the fine and forfeiture fund of Talladega county, without regard to the validity or invalidity of such claims now or at the time of such registration shall, upon the approval of this act,



be and become valid claims against such fine and forfeiture fund as of date of such registration, any illegal claims so registered being hereby expressly validated.

Section 3. Be it further enacted by the Legislature of Alabama, That upon the approval of this act the county treasurer of Talladega county shall publish once a week for three successive weeks in some newspaper published in Talladega county, Alabama, list, by numbers, of all unpaid claims against the fine and forfeiture fund of Talladega county of which he has record, which have been registered against said fund, and which bears the numbers from one to 2672 inclusive, and shall give notice in such publication to the owners or holders of such claims so registered to present the same to him for payment on or before a date to be named in said publication, not less than sixty days from the date said publication is commenced.

Section 4. Be it further enacted by the Legislature of Alabama, That all of such claims set forth in section three above, which are not presented to said treasurer on or before said date so named in said publication for payment shall become subordinate in payment to all claims which have been registered against said fine and forfeiture fund prior to the time at which said claims shall afterwards be presented, in the event any of said claims are presented for payment after the expiration of the time named in said publication.

Section 5. Be it further enacted by the Legislature of Alabama, That all laws and parts of laws in conflict with this act shall be and are hereby repealed.

The State of Alabama, }  
Talladega County. }

Before the undersigned, Emma Huey, a notary public in and for said State and county, personally appeared E. L. C. Ward, who being first duly sworn, deposes and says that he is proprietor and editor of the Talladega Reporter, a newspaper published in the city of Talladega, in said Talladega county, Alabama, and that the foregoing and attached notice was published in said

Talladega Reporter for four consecutive weeks, and that said notice appeared first on the 8th day of December, 1906, and again on the 15th day of December, 1906, and again on the 22nd day of December, 1906, and again on the 29th day of December, 1906.

Witness my hand and seal this the 15th day of January, 1907. (Signed) E. L. C. Ward, (L. S.)

Sworn to and subscribed before me, this the 5th day of January, 1907. (Signed) Emma Huey,  
Notary Public.

H. 731. To detach and take a portion of the territory of Conecuh county and attach and add the same to Escambia county.

And sends the same to the Senate, with notice and proof attached and exhibited herewith as follows:

The State of Alabama, }  
Conecuh County. }

Before me, F. J. Dean, Judge of Probate in and for said county and State, this day personally appeared G. W. Salter, Jr., who, being my me first duly and legally sworn, deposes and says that he is editor and publisher of the Evergreen Courant, a newspaper published in the town of Evergreen, county of Conecuh and State of Alabama, and that the following notice, to-wit:

"NOTICE."

"Notice is hereby given that at the present session of the Legislature of Alabama, a bill will be introduced, which will be in substance as follows:

"Be it enacted by the Legislature of Alabama:

"Section 1. That entire fractional sections nineteen (19), twenty (20), twenty-one (21), twenty-two (22), twenty-three (23), twenty-four (24), twenty-five (25), twenty-six (26), twenty-seven (27), twenty-eight, twenty-nine (29) and thirty (30) in township six (6) north of range twenty-five (25, west of Tallahassee principal

Meridian; entire fractional sections twenty-five (25), twenty-six (26), twenty-seven (27), twenty-eight (28), twenty-nine (29) and thirty (30) in township six (6) north of range twenty-six (26) west of Tallahassee Principal Meridian; entire fractional sections twenty-five (25), twenty-six (26), twenty-seven (27), twenty-eight (28), twenty-nine (29) and thirty (30) in township six (6) north of range twenty-seven (27) west of Tallahassee Principal Meridian, and entire fractional sections twenty-five (25), twenty-six (26), twenty-seven (27), twenty-eight (28), twenty-nine (29) and thirty (30) in township six (6) north of range twenty-eight (28) west of Tallahassee Principal Meridian be and the same are hereby detached and taken from the county of Conecuh and attached and added to the county of Escambia.

"Section 2. That all taxes due or to become due for the year 1906, and all subsequent years, by the citizens of the above described territory, must be paid to the tax collector of Escambia county.

"Section 3. That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed."

Was published in the said The Evergreen Courant once a week for four consecutive weeks prior to the 11th day of February, 1907.

Geo. W. Lotter, Jr.

Sworn to and subscribed before me this the 12th day of February, 1907.

F. J. Dean,  
Judge of Probate for Conecuh County, Alabama.

H. 460. To repeal an act, approved December 6th, 1900, entitled an act to make all fines and forfeitures in Dale county, Alabama, payable only in lawful money of the United States.

And sends the same to the Senate, with notice and proof attached and exhibited herewith as follows:

The State of Alabama, }  
 Dale County. }

Before me, W. P. Windham, judge of probate in and for said county, personally appeared John Q. Adams, associate editor of the Southern Star, a newspaper published in said county, who being by me duly sworn, doth depose and say, that the notice hereto attached was published in said newspaper for four consecutive weeks, commencing on the 19th day of December, 1906, and ending on the 9th day of January, 1907.

Jno. Q. Adams.

Sworn to and subscribed before me, this the 12th day of January, 1907.

W. P. Windham,

Judge of Probate, Dale County, Ala.

#### TO WHOM IT MAY CONCERN:

Notice is hereby given that the next Legislature of the State of Alabama, will be requested to pass a law "to repeal an act entitled an act to make all fines and forfeitures in Dale county, Alabama, payable only in lawful money of the United States." Said act being No. 40 on page 102 of local acts of 1900 and 1901, approved December 6th, 1900.

J. R. Levy,  
 A. D. Wall,  
 J. W. Corbitt.

Cyrus B. Brown,  
 Clerk.

#### HOUSE MESSAGES.

The House bills in the foregoing House message were severally read once and referred to appropriate standing committees as follows:

H. 574, to Temperance.

H. 689, 176, 460, to Local Legislation.

H. 731, to County and County Boundaries.

## POSTPONEMENT OF BILL.

On motion of Mr. Overton the further consideration of,

H. 25. To define corrupt solicitation of Legislators and provide adequate punishment therefor and the means to effectually enforce this act.

Was postponed until Thursday, February 28, 1907. at 12 o'clock.

## INDEFINITE POSTPONEMENT OF BILL.

On motion of Mr. Teasley:

S. 240. To provide for the legal enforcement in the courts of this State of any liability incurred in another State which is the subject of legal enforcement in such other State.

And the pending amendment thereto was indefinitely postponed.

Yeas, 15; nays, 11.

Yeas:

Messrs:

Barbour	Hamburger	Jones	Spragins
Bayles	Hamner	King	Teasley
Blackmon	Hayes	Miller	Wilson
Glenn	Hinson	Reese	

—15.

Nays:

Messrs:

Davis	Lowe	McWhorter	Reynolds
Gunn	Merritt	Overton	Strother
Leith	Moody	Reid	

—11.

## UNFINISHED BUSINESS.

The Senate then proceeded to consider the unfinished business of the morning session, which was the substitute offered by Mr. Spragins to:

S. 284. To further regulate municipal corporations, to confer additional rights, power and authority on the same, to prescribe the manner in which such rights,

powers and authority may be acquired and conferred, and to provide the manner in which charters for such corporations may be obtained and amended.

Mr. Strother moved to table the substitute for said bill offered by Mr. Spragins.

Which motion prevailed.

Yeas, 16; nays, 6.

Yeas:

Messrs:

Bayles	Hamner	Merritt	Strother
Davis	Hinson	Moody	Teasley
Gunn	Leith	Overton	White
Hamburger	Lowe	Reese	Wilson

—16.

Nays:

Messrs:

Barbour	Glenn	King	Spragins,
Blackmon	Jones		

—6.

#### PAIRS ANNOUNCED.

Mr. McWhorter announced that he and Mr. Thomas had paired on this vote. That if Mr. Thomas were present he would vote nay and that he, Mr. McWhorter, would vote yea.

The amendments offered by the committee were then adopted.

Yeas, 20; nays, 0.

Yeas:

Messrs:

Barbour	Gunn	Leith	Overton
Bayles	Hamburger	Lowe	Reese
Davis	Hamner	Merritt	Strother
Gardner	Hayes	Miller	White
Glenn	King	Moody	Wilson

—20.

And said bill, as thus amended, was read a third time at length, and passed.

Yeas, 21; nays, 2.

Yeas:

Messrs:

Bayles	Hamburger	Leith	Overton
Blackmon	Hamner	Lowe	Reese
Davis	Hayes	Merritt	Reynolds
Glenn	Horton	Miller	Strother
Gunn	Jones	Moody	White

—21.

Nays: Messrs. Kink, Spragins—2.

And said bill was ordered sent forthwith to the House without engrossment.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has non-concurred in the Senate amendment to the bill:

H. 379. To fix the salaries of the chancellors, supernumerary judge and circuit judges.

And herewith returns the same to the Senate.

Cyrus B. Brown,  
Clerk.

#### HOUSE MESSAGE.

On motion of Mr. Gunn the Senate recedes from its amendments to H. 379, the title to which appears in the foregoing message from the House.

Yeas, 18; nays, 3.

Yeas:

Messrs:

Barbour	Hamner	Leith	Reynolds
Bayles	Hayes	Merritt	Teasley
Davis	Hinson	Moody	White
Gunn	Jones	Reese	Wilson
Hamburger	King		

—18.

Nays: Messrs. Miller, Spragins, Strother—3.

And said bill was again read a third time, at length, and passed.

Yeas, 18; nays, 3.

Yeas:

Messrs:

Barbour	Hamner	Leith	Reynolds
Bayles	Hayes	Merritt	Teasley
Davis	Hinson	Moody	White
Gunn	Jones	Reese	Wilson
Hamburger	King		

—18.

Nays: Messrs. Miller, Spragins, Strother.

—3.

#### BILLS ON THIRD READING.

The bill:

H. 455. To create, establish and maintain an inferior court of record in and for the county of Covington; to define and provide for the powers, jurisdiction and procedure thereof; and to provide for officers thereof, and their compensation.

Was taken up.

Mr. Reid offered the following amendment, to-wit:

Amend caption of bill so as the same shall read as follows:

A bill to be entitled an act to create, establish and maintain an inferior court of record in and for county of Covington, to define and prescribe for the powers, jurisdiction and procedure thereof, and to provide for officers thereof and their compensation.

Which was adopted.

Yeas, 24; nays, 0.

Yeas:

Messrs:

Barbour	Gunn	King	McWhorter
Bayles	Hamburger	Leith	Reid
Davis	Hamner	Lowe	Reynolds
Doster	Hayes	Merritt	Spragins
Forrester	Hinson	Miller	Strother
Glenn	Jones	Moody	Thomas

—24.

And said bill, as thus amended, was read a third time at length and passed.



Yeas, 23; nays, 0.

Yeas:

Messrs:

Barbour	Hamburger	Lowe	Reynolds
Bayles	Hamner	Miller	Spragins
Blackmon	Hayes	Moody	Strother
Doster	Hinson	McWhorter	Teasley
Forrester	Jones	Overton	Thomas
Glenn	King	Reid	—23.

The bill:

S. 172. To provide for the erection of a monument to Alabama's confederate dead who are buried in Stone-wall cemetery at Winchester, Virginia.

Was read a third time at length and passed.

Yeas, 19; nays, 2.

Yeas:

Messrs:

Barbour	Hinson	Merritt	Strother
Bayles	Jones	Miller	Teasley
Glenn	King	Moody	Thomas
Hamburger	Leith	Reynolds	White
Hamner	Lowe	Spragins	—19.

Nays: Messrs. Overton, Reid—2.

And the same was ordered sent forthwith to the House without engrossment.

The bill:

H. 716. To authorize the town of Elba, in Coffee county, Alabama, to buy and sell spirituous, vinous and malt liquors, and to regulate the sale thereof.

Was read a third time, at length, and passed.

Yeas, 26; nays, 0.

Yeas:

Messrs:

Barbour	Hamner	Miller	Reynolds
Bayles	Hinson	Moody	Spragins
Doster	Jones	McWhorter	Strother
Forrester	King	Overton	Teasley
Gardner	Leith	Reese	Thomas
Glenn	Lowe	Reid	White
Hamburger	Merritt		—26.

The bill:

H. 746. To authorize all towns and cities that are now or may hereafter be incorporated in the territory now known and described, as precinct number three in Elmore county, Alabama, to buy and sell spiritucous, vi-nous and malt liquors, and to provide for the distribu-tion of certain profits arising therefrom, and to further regulate or prohibit the sale of such liquors in said pre-cinct.

Was read a third time, at length, and passed.

Yeas, 22; nays, 0.

Yeas:

Messrs:

Barbour	Hamner	Moody	Spragins
Bayles	Hinson	McWhorter	Strother
Blackmon	Jones	Overton	Teasley
Forrester	King	Reid	Thomas
Glenn	Leith	Reynolds	White
Hamburger	Lowe		

—22.

The bill:

S. 291. To regulate sales of stocks of merchandise in bulk or portions thereof, otherwise than in the ordinary course of trade, and to punish violations of the same.

Was taken up.

The following amendment offered by the committee:

Amend section 2 by inserting after the word "person-ally" where first appearing in said section the word "or."

And by inserting after the word "wire" where it first appears in said section the following: "by telegram de-livered to a telegraph company."

And further amend by inserting after the word "let-ter" where it first appears in said section the words "mailed to."

And amend section 4 by inserting next after the words "any person who" where they first occur in said section the words "with intent to defraud."

Was adopted.

Yeas, 25; nays, 0.

Yeas :

Messrs :

Barbour	Hamburger	Merritt	Reynolds
Bayles	Hamner	Miller	Spragins
Blackmon	Hinson	Moody	Strother
Davis	Jones	Overton	Teasley
Forrester	King	Reese	Thomas
Glenn	Leith	Reid	White
Gunn			

—25.

And said bill, as thus amended, was read a third time, at length, and passed.

Yeas, 24; nays, 4.

Yeas :

Messrs :

Barbour	Hamburger	Lowe	Reese
Blackmon	Hamner	Merritt	Reynolds
Davis	Heacock	Miller	Spragins
Doster	Horton	Moody	Teasley
Forrester	Jones	McWhorter	Thomas
Glenn	Leith	Overton	Wimberly
Gunn			

—24.

Nays :

Messrs :

Bayles	Gardner	King	White
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—4.

And the bill was ordered sent forthwith to the House without engrossment.

The bill :

S. 311. To promote and encourage agriculture, the raising of live stock and kindred interests, in the State of Alabama, by appropriating annually the sum of twenty-five thousand dollars out of any moneys in the treasury, not otherwise appropriated, to be paid in premiums for exhibits of live stock, agriculture and kindred exhibits, to be made on the following fair grounds: Alabama Agricultural association, Vandiver park, Montgomery, Alabama, \$8,500.00; Central Alabama

Fair Association grounds at Selma, Alabama, \$4,000.00; State Fair grounds, Birmingham, Alabama, \$8,500.00; Tennessee Valley Fair association grounds, Huntsville, Alabama, \$4,000.00, and to exempt from the payment of licenses and taxes, State, county, and municipal all the businesses, trades, professions, exhibits and industries that may be carried on on said fair grounds, during the annual fair to be held by each of said fair associations.

Was taken up.

Pending the consideration of which, the hour of 6 o'clock having arrived the Senate

RECESSED

Until 8 o'clock this evening.

NIGHT SESSION.

February 26, 1907.

The Senate reassembled at 8 o'clock p. m.

ROLL CALL.

On a call of the roll a quorum of the Senators answered to their names.

UNFINISHED BUSINESS.

The Senate proceeded to consider the unfinished business of the afternoon session.

Which was:

S. 311. To promote and encourage agriculture, the raising of live stock and kindred interests, in the State of Alabama, by appropriating annually the sum of twenty-five thousand dollars out of any moneys in the treasury, not otherwise appropriated, to be paid in premiums for exhibits of live stock, agriculture and kindred exhibits, to be made on the following fair grounds: Alabama Agricultural Association, Vandiver Park, Montgomery, Alabama, \$8,500.00; Central Alabama Fair Association grounds at Selma, Alabama, \$4,000.00; State Fair grounds, Birmingham, Alabama, \$8,500.00;

Tennessee Valley Fair Association grounds, Huntsville, Alabama, \$4,000.00, and to exempt from the payment of licenses and taxes, State, county, and municipal all the businesses, trades, professions, exhibits and industries that may be carried on on said fair grounds, during the annual fair to be held by each of said fair associations.

Mr. Hamburger offered the following amendment to said bill, to-wit:

Amend title by striking out in line 3 the words "twenty-five thousand" and inserting in lieu thereof the words "thirty-three thousand five hundred." Also insert the words, "Gulf Coast Tropical Fair Association at Mobile, Ala., \$8,500," after the word "\$4,000" in line 10.

Amend section 1, line 25, by inserting the words "Gulf Coast Tropical Fair Association at Mobile, Ala., \$8,500" after the words "\$4,000."

Amend after Sec. 5 by inserting Sec. 5 1-2. "Be it further enacted, That there be and hereby is created a commission, whose duty it shall be to make up the premium list for the Gulf Coast Tropical Fair Association at Mobile, Ala., said commission to consist of the governor, commissioner of agriculture and industries and the president of the Gulf Coast Tropical Fair Association at Mobile, Ala."

Which, on motion of Mr. Thomas, was laid on the table.

Yeas, 17; nays, 6.

Yeas:

Messrs:

Barbour	Horton	Overton	Strother
Bayles	Lowe	Reese	Teasley
Blackmon	Merritt	Reynolds	Thomas
Gardner	Miller	Spragins	White
Glenn	McWhorter		

—17.

Nays:

Messrs:

Bayles	Hamburger	Moody	Overton
Doster	King		

—6.

Mr. Reynolds moved to indefinitely postpone further action on said bill.

Which, on motion of Mr. Teasley, was laid on the table.

Yeas, 14; nays, 12.

Yeas:

Messrs:

Barbour	Glenn	Miller	Spragins
Blackmon	Hamburger	Overton	Teasley
Doster	Hamner	Reese	Thomas
Forrester	King		

—14.

Nays:

Messrs:

Bayles	Horton	Moody	Reynolds
Blackmon	Leith	McWhorter	Strother
Doster	Merritt	Reid	White

—12.

#### PAIRS ANNOUNCED.

Mr. Hays announced that he and Mr. Wilson had paired their vote on the pending question. That if Mr. Wilson were present he would vote nay, and that he, Mr. Hays, would vote yea.

Mr. Merritt offered the following amendment:

Amend section 1, by striking out the word "annually" where it occurs in the 4th line of said section and insert after the word "appropriated" in said line 4, the words and figures "the year 1907," and add after the words "to be held" in the last line of said section the words and figures "the year 1907."

Which, on motion of Mr. Teasley, was laid on the table.

Yeas, 14; nays, 13.

Yeas:

Messrs:

Barbour	Glenn	Miller	Spragins
Bayles	Hamburger	Overton	Teasley
Blackmon	Hamner	Reese	Thomas
Doster	King		

—14.

Nays:

Messrs:

Davis	Leith	Moody	Reynolds
Forrester	Lowe	McWhorter	Strother
Gardner	Merritt	Reid	White
Horton			

—13.

## PAIRS ANNOUNCED.

Mr. Hays announced that he and Mr. Wilson had paired their vote on the pending question. That if Mr. Wilson were present he would vote nay and that he, Mr. Hayes, would vote yea.

Mr. Merritt offered the following amendment:

Amend by adding section 9, which shall read as follows: Sec. 9. Provided that if spirituous, vinous, or malt liquors, or other intoxicating drinks, are sold on the grounds or on the premises of either of said fair associations, during the progress of the fair held, said association on whose grounds or premises said spirituous, vinous or malt liquors or other intoxicating drinks, are sold, shall not be entitled to receive its appropriation as set out above.

Which, on motion of Mr. Teasley, was laid on the table.

Yeas, 14; nays, 13.

Yeas:

Messrs:

Barbour	Glenn	Miller	Spragins
Bayles	Hamburger	Overton	Teasley
Blackmon	Hamner	Reese	Thomas
Doster	King		

—14.

Nays:

Messrs:

Davis	Leith	Moody	Reynolds
Forrester	Lowe	McWhorter	Strother
Gardner	Merritt	Reid	White
Horton			

—13.

## PAIRS ANNOUNCED.

Mr. Hayes announced that he and Mr. Wilson had paired their vote on the pending question. That if Mr. Wilson were present he would vote nay and that he, Mr. Hayes, would vote yea.

Mr. Lowe offered the following amendment to said bill:

Amend by adding the following section as section 10:

Section 1. Provided, that neither of the fair associations mentioned in this bill shall receive its pro-rata of said appropriation unless it shall raise and pay in premiums as directed in said bill, an amount equal to twice its pro-rata share under the provisions of this bill.

Which, on motion of Mr. Teasley, was laid on the table.

Mr. Lowe offered the following amendment to said bill, to-wit:

Amend by adding the following as section 10:

Section 10. Provided, that neither of the Fair Associations mentioned in this bill shall receive its pro-rata of said appropriation unless it shall raise and pay in premiums, as directed in said bill, an amount equal to its pro-rata share of said appropriation, under the provisions of this bill.

Which, on motion of Mr. Teasley, was laid on the table.

Yeas, 15; nays, 12.

Yeas:

Messrs:

Barbour	Glenn	Miller	Spragins
Bayles	Hamburger	Moody	Teasley
Blackmon	Hamner	Overton	Thomas
Forrester	King	Reese	—15.

Nays:

Messrs:

Davis	Horton	Merritt	Reynolds
Doster	Leith	McWhorter	Strother
Gardner	Lowe	Reid	White
			—12.



Mr. Thomas offered the following amendment to said bill:

Amend the title of the bill and the bill by striking out the words "\$8,500," wherever they occur and insert in lieu thereof "\$6,500"; and further amend by striking out the words "\$4,000," wherever they occur and insert in lieu thereof the words "\$2,750." Further amend the title and section 1 of the bill by inserting between the words "Tennessee Valley Fair Association Grounds, Huntsville, Alabama, \$4,000," and the words "and to exempt from the payment of licenses and taxes" the following words, to-wit: "Gulf Coast Tropical Fair Association at Mobile, Alabama, \$6,500." Further amend by adding section 5 1-2 in words as follows, to-wit: "That there be and hereby is created a commission whose duty it shall be to make up the premium list for the "Gulf Coast Tropical Fair Association at Mobile, Alabama, said commission to consist of the governor, commissioner of agriculture and industries, and the president of the Gulf Coast Tropical Fair Association, Mobile, Alabama."

Mr. Teasley moved to lay said amendment on the table, which motion was lost.

Yeas, 11; nays, 16.

Yeas:

Messrs:

Barbour	Doster	King	Spragins
Bayles	Gardner	Miller	Strother
Blackmon	Glenn	McWhorter	

—11.

Nays:

Messrs:

Bayles	Hamner	Merritt	Reid
Davis	Horton	Moody	Reynolds
Forrester	Leith	Overton	Thomas
Hamburger	Lowe	Reese	White

—16.

And said amendment offered by Mr. Thomas was then adopted.

Yeas, 17; nays, 8.

Yeas:

Messrs:

Barbour	Gardner	King	Reese
Bayles	Hamburger	Leith	Reid
Blackmon	Hamner	McWhorter	Teasley
Davis	Hinson	Overton	Wimberly.
Forrester			

—17.

Nays:

Messrs:

Doster	Lowe	Miller	Spragins
Glenn	Merritt	Reynolds	Teasley

—8.

And said bill, as thus amended, was read a third time, at length, and passed.

Yeas, 17; nays, 11.

Yeas:

Messrs:

Barbour	Hamburger	McWhorter	Spragins
Bayles	Hamner	Overton	Teasley
Blackmon	King	Reese	Thomas
Forrester	Miller	Reynolds	Wimberly
Glenn			

—17.

Nays:

Messrs:

Davis	Horton	Merritt	Strother
Doster	Leith	Moody	White
Gardner	Lowe	Reid	

—11.

#### MOTION TO RECONSIDER VOTE.

Mr. Spragins moved to reconsider the vote by which Senate bill 311 was just passed.

Mr. Teasley moved to lay the motion to reconsider on the table.

Which motion prevailed.

Yeas, 15; nays, 12.

Yeas :

Messrs :

Barbour	Forrester	King	Spragins
Bayles	Glenn	Miller	Teasley
Blackmon	Hamburger	Overton	Thomas
Doster	Hamner	Reese	

—15.

Nays :

Messrs :

Davis	Leith	Moody	Strother
Gardner	Lowe	Reid	White
Horton	Merritt	Reynolds	Wimberly

—12.

And said bill was ordered sent forthwith to the House without engrossment.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in the Senate amendment to the bill:

H. 370. To amend section one of an act entitled an act, to amend the act "to incorporate the city of Tuscaloosa," approved March 12th, 1873, by amending section one of said act, so as to extend the boundary lines of said city, approved February 20, 1899, so as to fix, define and enlarge the boundaries of said city of Tuscaloosa.

H. 455. To create, establish and maintain an inferior court of record in and for the county of Covington; to define and provide for the powers, jurisdiction and procedure thereof; and to provide for officers thereof, and their compensation.

The House has passed the following Senate bills:

S. 137. Providing that no license or taxes of any character shall be required by the State, county or municipality from the Central Alabama Fair Association, or from those who conduct business under contract with it on its grounds during the time its annual fair is actually in progress.

And herewith returns the same to the Senate.

S. 315. To authorize the town of Dothan to establish, maintain, regulate and make efficient, a dispensary in the town of Dothan, and to provide for the operation and carrying on of such dispensary by the said town of Dothan, and for a distribution of the net proceeds of the said dispensary.

And herewith returns the same to the Senate.

Cyrus B. Brown,  
Clerk.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has amended as therein shown and as amended has passed the following Senate bill:

S. 251. To prohibit the sale, delivery or other disposition of miner's oil or any materials or substitutes for miner's oil, to be used in the mines of Jefferson county, Alabama, without the official brand, stamp, label or stencil of the inspector of miner's oil for Jefferson county, Alabama, being affixed or attached to the barrel, package, cask, or vessel in which the article sold, delivered or disposed of is contained at the time of the disposition or delivery, and to provide for and regulate the payment of fees to such inspector for affixing such official brand, stamp, label, or stencil and to regulate the charges and fees to be paid therefor.

And returns same herewith to the Senate.

Cyrus B. Brown,  
Clerk.

#### HOUSE MESSAGE.

On motion of Mr. Miller the Senate concurred in the following amendment by the House to Senate bill No. 251, the title of which is set out in foregoing message, to-wit:

Amend bill by adding thereto at the end of section 3, the following words: "Provided that this act shall become effective ten days after its approval."

Yeas, 22; nays, 0.

Yeas:

Messrs:

Barbour	Gardner	Lowe	Reid
Bayles	Glenn	Merritt	Reynolds
Blackmon	Hamner	Miller	Spragins
Davis	Horton	Overton	Thomas
Doster	King	Reese	Wimberly.
Forrester	Leith		

—22.

#### BILLS ON THIRD READING.

The bill:

S. 346. To amend an act to amend an act to amend section 4457 of the Code of 1896, approved March 5, 1901.

Was taken up.

The following amendment offered by the committee:

Strike out the word "of" where it occurs next before the words "assistants to the chaplain" and insert in lieu therefor the words "and for."

Was adopted.

Yeas, 17; nays, 1.

Yeas:

Messrs:

Barbour	Hamner	Moody	Spragins
Bayles	King	Reese	Strother
Forrester	Merritt	Reid	Teasley
Gardner	Miller	Reynolds	Thomas
Glenn			

—17.

Nays: Mr. Wimberly—1.

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 17; nays, 3.

Yeas:

Messrs:

Blackmon	King	Overton	Strother
Forrester	Merritt	Reese	Teasley
Glenn	Miller	Reynolds	Thomas
Hamner	Moody	Spragins	White
Hayes			

—17.

Yeas: Messrs. McWhorter, Reid and Wimberly—3.

And said bill was ordered sent forthwith to the House without engrossment.

The bill:

H. 179. To make appropriation for the maintenance of the Alabama Industrial School for white boys for the years 1907, 1908, 1909, and 1910.

Was read a third time at length and passed.

Yeas, 18; nays, 0.

Yeas:

Messrs.:

Barbour	Hayes	Reese	Teasley
Blackmon	Merritt	Reid	Thomas
Glenn	Miller	Reynolds	White
Hamburger	Moody	Spragins	Wimberly.
Hamner	Overton		

—18.

The bill:

H. 178. To make appropriation for buildings, machinery and other necessary improvements at the Alabama Industrial School for white boys.

Was read a third time at length and passed.

Yeas, 19; nays, 0.

Yeas:

Messrs.:

Barbour	Hamner	Moody	Spragins
Blackmon	Hayes	Overton	Teasley
Forrester	King	Reese	Thomas
Gardner	Merritt	Reid	Wimberly
Hamburger	Miller	Reynolds	

—19.

# MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bills and ordered the same sent forthwith to the Senate without engrossment:

H. 792. To fix and provide for the salaries of the judges of the city court of Birmingham.

And sends the same herewith to the Senate with notice and proof of publication hereto attached and herewith exhibited as follows:

The State of Alabama, }  
Jefferson County. }

Personally appeared before me the undersigned authority James J. Smith, who being by me duly sworn, deposes and says on oath, that he is the president and publisher of the Birmingham Ledger; that the Birmingham Ledger is a newspaper published in the city of Birmingham, Jefferson county, Alabama; and affiant further says on oath that the following printed notice pasted to this affidavit was published once a week for four consecutive weeks in said Birmingham Ledger.

James J. Smith.

Subscribed and sworn to before me this the 19th day of February, A. D. 1907.

Paul A. Savage,  
Deputy Clerk & Register City Court of Birmingham.

#### NOTICE.

Notice is hereby given that a bill will be introduced in the next session of the Legislature of Alabama for the passage of an act to increase the salaries of the judges of the city court of Birmingham to an amount not to exceed five thousand dollars (\$5,000) each per annum, of which salaries there shall be paid from the treasury of the State to each of said judges the same amount as judges of the circuit court may be paid, the balance of said salaries to be paid by the county of Jefferson.

H. 546. Authorizing the transfer of any civil cause now pending in the circuit court of Jefferson county, in the State of Alabama, in the city court of Birmingham, in said State, or in the chancery court of said county back to the city court of Bessemer in said county, in all cases where the cause has been removed from said city court of Bessemer to said circuit, city or chancery court by and at the instance of the defendant.

And sends the same herewith to the Senate with notice and proof attached and herewith exhibited as follows:

#### NOTICE.

To whom it may concern, notice is hereby given, that application will be made to the next legislature of the State of Alabama, for the enactment of a bill or law to be and read in substance as follows:

#### A BILL

To be entitled an act authorizing the transfer of any civil cause now pending in the circuit court of Jefferson county, in the State of Alabama, in the city court of Birmingham in said State, or in the chancery court of said county back to the city court of Bessemer in said county, in all cases where the cause has been removed from said city court of Bessemer of said circuit, city or chancery court by and at the instance of the defendant.

Section 1. Be it enacted by the Legislature of Alabama, That either the plaintiff or plaintiffs or either of them, in any civil cause, either at law or in equity, now pending in the circuit court of Jefferson county, in the State of Alabama, in the city court of Birmingham, or in the chancery court of said county, may in all cases, where the cause has heretofore been removed by and at the instance of the defendant from the city court of Bessemer to either of said courts, at any time within sixty days after the approval of this act, have such cause removed back to said city court of Bessemer in said county for trial, by complying with the provisions of this act.

Section 2. Be it further enacted, That in order for any party to be entitled under this act or the provisions hereof to remove any cause authorized to be removed under this act from the said circuit court of Jefferson county, the city court of Birmingham or the chancery court of said county as herein provided, he or they as the case may be shall file in the said circuit court, city



court or chancery court, a petition addressed to the judge or judges thereof, or chancellor, signed by himself, itself, themselves or their attorney, stating the desire of the plaintiff or plaintiffs to have the cause so removed; and upon the filing of said petition, the said circuit court of Jefferson county, city court of Birmingham, in said county, or the chancery court of said county in which the cause is pending, shall cease to have any other or further jurisdiction over said cause and shall forthwith enter an order removing said cause back to the said city court of Bessemer in said county for trial, and shall direct the clerk, clerk and register, or register as the case may be to deliver to the clerk and register of said city court of Bessemer to which the cause is directed to be removed the books and papers hereinafter directed to be delivered by him to the clerk and register of said court to which the cause is removed.

Section 3. Be it further enacted, That upon filing of said petition the clerk, clerk and register, or the register of either said circuit court, city court of Birmingham, or chancery court as the case may be, shall forthwith deliver to the clerk and register of said city court of Bessemer to which the cause is removed, the original papers in said cause, and all papers that may have been filed in said circuit court, city or chancery court, and also a certified copy of all docket entries and minute entries in the said circuit court, city court of Birmingham, or chancery court of the county as the case may be pertaining to said cause, including the entries on the subpoena dockets pertaining to the cause.

Section 4. That the said city court of Bessemer to which said cause is removed, as herein provided, shall have full power and authority to require the delivery by the clerk, clerk and register, or register of said circuit court, city court of Birmingham, or chancery court as the case may be, to the clerk and register of said city court of Bessemer to which the cause is removed, all the papers and copies hereinabove directed to be made by the clerk, clerk and register, or register of said circuit court, clerk and register of said city court of Birmingham, or the register of said chancery court to the clerk and reg-

ister of said city court of Bessemer to which said cause is removed; and further, to enforce, in all respects the removal of said cause.

Section 5. Be it further enacted, That upon the removal of any such cause back to the city court of Bessemer, it shall be reinvested with the same power, jurisdiction and authority as if said cause had never been removed to said circuit court, city court of Birmingham, or chancery court of said county; and the clerk and register of said city court of Bessemer shall also be vested with the same power and authority in respect thereto as if said cause had never been removed away to the said courts or either of them; and he shall tax up all the costs in said cause while in said court from which it was removed under this act as a part of the costs in the case.

11-7-3t

The State of Alabama, }  
 Jefferson County. }

Personally appeared before me, Pinkney Scott, notary public in and for said county and State aforesaid, A. K. Williamson, who being duly sworn by me deposes and says that the Bessemer Workman is a newspaper in precinct thirty-three of Jefferson county, Alabama, and published by the Workman Publishing Company, a corporation and that affiant is the president and manager of the said company and superintends the publication of the said Bessemer Workman, the said newspaper, that he makes oath that the hereto attached notice of the intention to make application to the legislature to pass an act to transfer cases from the city, circuit and chancery courts of Birmingham, Alabama, back to the city court of Bessemer, Jefferson county, Alabama, which said cases were removed from said city court of Bessemer by the petition of the defendants, received one publication for each week for four full consecutive weeks in said Bessemer Workman, said newspaper, prior to the making of this affidavit and which notice appeared in said paper as it appears in the type hereto attached.

A. K. Williamson.

Sworn to and subscribed before me this the 25th day of January, 1907.

Pinkney Scott, Notary Public.

H. 712. To fix and provide for the salaries of the judges of the criminal court of Jefferson county.

And sends same to the Senate with notice and proof of publication hereto attached and herewith exhibited as follows, to-wit:

The State of Alabama, }  
Jefferson County. • }

I, James J. Smith, hereby certify that I am one of the publishers of the Birmingham Ledger, a newspaper published in Jefferson county, Alabama, and that the advertisement hereto attached has been published in said newspaper once a week for four consecutive weeks, prior to this date.

James J. Smith.

Sworn to and subscribed before me this 2nd day of February, 1907.

D. N. Smith, Notary Public.

#### NOTICE.

Notice is hereby given that a bill will be introduced in the next session of the Legislature of Alabama for the passage of an act to increase the salaries of the judges of the criminal court of Jefferson county, to an amount not exceeding five thousand dollars (\$5,000.00) each per annum of which salaries there shall be paid from the treasury of the State to each of said judges the same amount as judges of the circuit court may be paid, the balance of said salaries to be paid by the county of Jefferson.

H. 545. To repeal an act authorizing the transfer of any civil cause pending in the city court of Bessemer in the county of Jefferson, in the State of Alabama, to the circuit court of Jefferson county in said State or to the city court of Birmingham, in said State, or to any other

court of competent jurisdiction sitting in the city of Birmingham, approved September 26th, 1903.

And sends same herewith to the Senate with notice and proof of publication attached and herewith exhibited as follows:

#### NOTICE.

To whom it may concern, notice is hereby given, that application will be made to the next legislature of the State of Alabama for the enactment of a bill or law to be and to read in substance as follows:

#### A BILL

To be entitled an act to repeal an act entitled "an act authorizing the transfer of any civil cause pending in the city court of Bessemer in the county of Jefferson, in the State of Alabama to the circuit court of Jefferson county in said State, or in the city court of Birmingham, in said State or to any other court of competent jurisdiction, sitting in the city of Birmingham," approved September 26, 1903.

Section 1. Be it enacted by the Legislature of Alabama, That an act entitled "an act authorizing the transfer of any civil cause pending in the City court of Bessemer in the county of Jefferson, in the State of Alabama, to the circuit court of Jefferson county, in said State, or to the city court of Birmingham, in said State, or to any other court of competent jurisdiction, sitting in the city of Birmingham," approved September 26, 1903, be and the same is hereby repealed.

The State of Alabama, }  
Jefferson County. }

Personally appeared before me, Pinkney Scott, notary public in and for said county and State aforesaid, A. K. Williamson who being duly sworn by me deposes and says that the Bessemer Workman is a newspaper published in precinct thirty-three of Jefferson county, Alabama and published by the Workman Publishing Com-

pany, a corporation and that affiant is the president and manager of the said company and superintends the publication of the said Bessemer Workman, the said newspaper, that he makes oath that the hereto attached notice of the intention to make application to the legislature to repeal an act transferring civil causes from the city court of Bessemer, Jefferson county, Alabama, to the circuit court, city court and other courts of like jurisdiction in Birmingham, Alabama, which was approved September 26th, 1903, received one publication for each week for four full consecutive weeks in said Bessemer Workman, said newspaper, prior to the making of this affidavit and which said notice appeared in the said newspaper in the type as it appears hereto attached.

A. K. Williamson.

Sworn to and subscribed before me this the 25th day of January, 1907.

Pinkney Scott, Notary Public.

And the House has passed the following Senate bills:

S. 302. To amend an act entitled an act to establish the city court of Bessemer, approved February 28th, 1901.

And returns same to the Senate.

Cyrus B. Brown. Clerk.

#### HOUSE MESSAGES.

The House bills in the foregoing house message were severally read once and referred to appropriate standing committees as follows:

H. 792, 712. To Finance and Taxation.

H. 546, 545. To Local Legislation.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has passed the following Senate bills:

S. 297. For the relief of J. M. Cobb and W. J. Taylor.

And returns same herewith to the Senate.

S. 185. To amend an act establishing the Blocton public school district in Bibb county, Alabama, approved February 28, 1887.

And returns same herewith to the Senate.

S. 288. To constitute and establish that certain subway, now in course of construction and completion, under authority of an ordinance of the City of Birmingham, Ala., and extending underneath Twenty-sixth street, north, in the city of Birmingham, Ala., and between the western boundary line of said Twenty-sixth street, north, and the eastern boundary line of Twenty-seventh street, north, as a part of Fifth avenue, in said city, in lieu of all that part of Fifth avenue as heretofore constituted and established lying over and above and outside of said subway, and between the said Twenty-sixth and Twenty-seventh streets, and which is abandoned and discontinued as a public street, or highway.

And returns same herewith to the Senate.

S. 289. Declining on the part of the State of Alabama to accept for the purpose of establishing an industrial school for indigent white girls and young ladies of the State, that certain property in Marion, Perry county, Alabama, formerly known as Howard college, and now used and known as the Marion Military Institute.

And returns same herewith to the Senate.

S. 250. For the relief of W. A. Singleton and B. G. Singleton of Marengo county, Alabama, for the overpayment of money for the purchase of school lands in section 16, township 12, range 1, west.

And returns same herewith to the Senate.

Cyrus B. Brown, Clerk.

#### BILLS ON THIRD READING.

The bill:

H. 233. To appropriate the sum of forty thousand dollars (\$40,000.00) to the Alabama schools for the deaf and blind.

Was read a third time at length and passed.

Yeas, 21; nays, 0.

Yeas:

Messrs:

Barbour	Hayes	Overton	Strother
Blackmon	Merritt	Reese	Teasley
Forrester	Miller	Reid	Thomas
Gardner	Moody	Reynolds	White
Hamburger	McWhorter	Spragins	Wimberly
Hamner			

—21.

The bill:

H. 323. To provide necessary funds for the maintenance, repairs, improvements, apparatus and additions to the medical college of Alabama.

Was read a third time at length and passed.

Yeas, 18; nays, 0.

Yeas:

Messrs:

Barbour	Hayes	Overton	Strother
Bayles	Merritt	Reese	Teasley
Glenn	Miller	Reid	Thomas
Hamburger	Moody	Reynolds	Wimberly
Hamner	McWhorter		

—18.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has non-concurred in the Senate amendment as follows: Amend H. 371 by adding the words and cotton mills to the title after the last word in same. After the last word in section three add the words and he shall also inspect every cotton mill or factory and make reports from time to time to the Governor on their condition, sanitary or otherwise, and it shall be his duty to institute prosecutions in case of any violation of the laws relating to the operation of cotton mills or factories and the working of children in same below the legal age.

To the bill H. 371. To provide for the inspection of jails and almshouses.

And the House has concurred in the Senate amendment as follows:

Amend House bill 371 by striking out the figures and mark "\$24,000," where they occur in line 1 of section 2 of the bill and insert, in lieu thereof the words and figures and marks "twenty-four hundred dollars (\$2,400.)"

Instead of the word or marks "remied" appearing in line three of section 6, and, in lieu thereof insert the word "remedies."

To the bill:

H. 371. To provide for the inspection of jails and almshouses.

And the House returns said bill H. 371 to the Senate.  
Cyrus B. Brown, Clerk.

#### HOUSE MESSAGE.

On motion of Mr. Reynolds the Senate receded from its amendment to House bill No. 371, the title of which bill and the amendment now concurred in are set out in the foregoing message from the House.

Yeas, 15; nays, 11.

Yeas:

Messrs:

Gardner	Leith	McWhorter	Reynolds
Gunn	Lusk	Cverton	Strother
Hayes	Miller	Reese	Teasley
Horton	Moody	Reid	

—15.

Nays:

Messrs:

Bayles	Doster	Jones	Lowe
Blackmon	Forrester	King	Wimberly
Davis	Glenn		

—10.

And said bill was again read a third time at length and passed.

Yeas, 15; nays, 11.



Yeas:

Messrs:

Gardner	Leith	McWhorter	Reynolds
Gunn	Lusk	Overton	Strother
Hayes	Miller	Reese	Teasley
Horton	Moody	Reid	

—15.

Nays:

Messrs:

Bayles	Doster	Jones	Lowe
Blackmon	Forrester	King	Wimberly
Davis	Glenn		

—10.

#### MESSAGE FROM THE HOUSE.

Mr. President:

The House has non-concurred in the Senate amendment to the House bill:

H. 114. To prohibit the sale, barter or exchange of vinous, spirituous or malt liquors or intoxicating bitters or beverages, at any place in the county of Etowah, except within the corporate limits of the cities of Gadsden and Attalla.

And the House requests a committee of conference on said amendment of the Senate.

Committee on part of the House: Messrs. Lee, of Etowah, Smith of Etowah, and Weaver.

And the House herewith returns the bill H. 114 to the Senate.

Cyrus B. Brown, Clerk.

#### HOUSE MESSAGE.

On motion of Mr. Hamner the Senate acceded to the request of the House, for a committee of conference on the disagreement of the two Houses over the Senate amendments to House bill No. 114, the title of which is set out in the foregoing message from the House and the President of the Senate appointed as a committee on the part of the Senate, Messrs. Hamner, Doster and Teasley.

## MESSAGE FROM THE GOVERNOR.

To the Senate:

I hereby return Senate bill No. 128 entitled an act, "To confer jurisdiction of all misdemeanors on the county court of Clarke county, and to define, the jurisdiction of said court to regulate the practice therein, to provide for a judge, solicitor and clerk of said court and to fix their compensation.

It having been suggested to me that the provisions of section 23 of said bill are probably unconstitutional. I suggest the following amendments to said bill, viz: "Amend section 23 of said bill by striking out in lines two and three the following words: "Circuit solicitor of the circuit in which the county of Clarke is embraced at the passage of this act," and insert in lieu thereof the word "Governor."

B. B. Comer, Governor.

Feb. 26, 1907.

## GOVERNOR'S MESSAGE.

On motion of Mr. Gunn the Senate adopted and concurred in the amendment proposed by his excellency the governor to Senate bill No. 128. The title of which and the proposed amendments thereto are set out in the foregoing message from the governor.

Yeas, 23; nays, 0.

Nays:

Messrs:

Barbour	Hamner	McWhorter	Strother
Bayles	Horton	Overton	Teasley
Doster	Leith	Reese	Thomas
Forrester	Lowe	Reid	Wilson
Gardner	Miller	Reynolds	Wimberly
Hamburger	Moody	Spragins	

—23.

Which is a majority of the whole number elected to the Senate.

## BILLS ON THIRD READING.

The bill:

H. 180. To provide for the sale and other disposition by the board of trustees of the University of Alabama of such lands as have been or may be selected under and by virtue of an act of Congress entitled "an act to increase the endowment of the University of Alabama from the public lands in said State, approved April 23, 1884; and to ratify and confirm such sales and other dispositions of said lands as may have heretofore been made."

Was read a third time at length and passed.

Yeas, 17; nays, 1.

Yeas:

Messrs:

Barbour	Hamner	Moody	Reynolds
Blackmon	Hayes	Overton	Strother
Forrester	Merritt	Reese	Teasley
Gardner	Miller	Reid	Thomas
Hamburger			

—17

Nays: Mr. McWhorter—1.

The bill:

H. 108. To amend an act entitled an act "to regulate the registration, branding, sale, tagging and analysis of commercial fertilizers, acid phosphates, fertilizer materials and chemicals in the State of Alabama," approved March 3, 1903.

Was taken up.

The following substitute for said bill offered by the committee on Agriculture, to-wit:

Substitute for House bill No. 108.

## A BILL

To be entitled an act to amend an act to regulate the registration, branding, sale, tagging and analysis of commercial fertilizers, acid phosphates, fertilizer materials and chemicals, in the State of Alabama, approved March 3, 1903.

Section 1. Be it enacted by the Legislature of Alabama, That section 5 of an act entitled an act to regulate the registration, branding, sale, tagging and analysis of commercial fertilizers, acid phosphates, fertilizer materials and chemicals, in the State of Alabama, approved March 3, 1903, be amended so as to read as follows:

Section 5. If any commercial fertilizer, or fertilizer material, sold in this State, shall prove deficient in any of its ingredients as guaranteed and branded on the sacks, bags or packages containing the same, and if, by reason of such deficiency, the commercial value of such fertilizers shall fall more than five per cent below the guaranteed total commercial value of such fertilizer or fertilizer material, then any note or obligation given in payment therefor shall be collectable by law only for one-half of the amount of such note or obligation; provided further, that any person, firm, or corporation who sells any fertilizers or fertilizer material that shall prove deficient in any of its ingredients as guaranteed and branded on the sacks, bags, or packages containing the same, so that by reason of such deficiency the commercial value of such fertilizers shall fall below the guaranteed total commercial value of such fertilizer, or fertilizer material, shall be found guilty of a misdemeanor, and upon conviction shall be fined not less than one hundred nor more than one thousand dollars.

Was adopted.

Yeas, 18; nays, 0.

Yeas:

Messrs:

Barbour	Hamner	McWhorter	Spragins
Blackmon	Hayes	Overton	Strother
Forrester	Merritt	Reid	Teasley
Glenn	Miller	Reynolds	Thomas
Hamburger	Moody		

—18.

And said bill as thus amended was read a third time at length and passed.

Yeas, 19; nays, 0.

Yeas:

Messrs:

Barbour	Hamner	McWhorter	Spragins
Blackmon	Hayes	Overton	Strother
Forrester	Merritt	Reese	Teasley
Glenn	Miller	Reid	Thomas
Hamburger	Moody	Reynolds	

—19.

The bill:

H. 107. To prohibit the sale of adulterated cotton seed meal as fertilizers, to have the same analyzed and a guaranteed analysis printed on tags and tags attached to the bags containing the same, and in case of sales in bulk to have such analysis set forth in the contract of sale and providing that all sales of such meal which does not contain the ingredients represented shall be void and that any money paid for same may be recovered by the purchaser.

Was taken up.

The following amendments offered by the committee on Agriculture, to-wit:

#### AMENDMENTS TO H. B. 107.

Amend the title of the bill by striking out the following words, to-wit: "Providing that all sales of such meal which does not contain the ingredients represented shall be void and that any money paid for same may be recovered by the purchaser" and insert in lieu of such words the following words, to-wit: providing penalties and punishments for the violation of the provisions of this act.

Amend section 1 of the bill by adding immediately after the last words in said section the following words, to-wit; "And all such cotton seed meal containing 8 per cent. ammonia or above, offered for sale as fertilizers in sacks, bags, or other packages or parcels, shall have plainly stamped or printed in large capital letters upon the sacks, bags, or other packages or parcels containing the same, the words "high grade," and all cotton seed meal offered for sale in sacks, bags, or other packages or

parcels, which contains less than 8 per cent ammonia shall have plainly stamped or printed in large capital letters upon the sacks, bags, or other packages or parcels, containing the same, the words "low grade."

Amend the bill by striking out all of section 2.

Amend the bill by striking out all of section 3.

Amend section 4 of the bill by renumbering the section so as it will be section 2; and further amend said section by striking out the words "any person" and insert in lieu thereof the words, "any consumer."

Amend section 5 so that the same will read as follows, to-wit:

Section 3, That any person, firm or corporation offering for sale cotton seed meal as fertilizers in this State, who fails to have tags attached to each bag, sack, or other parcel or package containing the same, with a guaranteed analysis of such meal printed thereon, or, in case of a sale in bulk, to have such analysis set forth in the contract of sale, stating the per cent of ammonia, phosphoric acid, or potash contained therein, or any person, firm or corporation who sells as fertilizers cotton seed meal which does not contain the ingredients as set forth in the contract of sale or stamped on the tags attached to the bags, sacks, or other packages or parcels containing the same; or any person, firm or corporation, who sells as a fertilizer any cotton seed meal containing less than 8 per cent. of ammonia; or any person, firm or corporation who sells any cotton seed meal in bags, sacks or other packages or parcels without having stamped or printed plainly in large capital letters on the sacks, bags or other parcels or packages containing the same, the words "high grade," provided such cotton seed meal contains 8 per cent. of ammonia or above, and the words, "low grade," provided such cotton seed meal contains below 8 per cent. of ammonia is guilty of a misdemeanor, and shall upon the first conviction be fined not less than \$100.00 nor more than \$1,000.00, and upon any subsequent conviction, not less than \$1,000.00 nor more than \$5,000.00.

Amend section 6 by renumbering it so as it will be section 4.

Was adopted.

Yeas, 18; nays, 1.

Yeas:

Messrs:

Barbour	Gunn	Miller	Reid
Blackmon	Hamburger	Moody	Reynolds
Forrester	Hamner	McWhorter	Strother
Gardner	Hayes	Overton	Thomas
Glenn	Merritt		

—18.

Nays: Mr. Reese—1.

And said bills as thus amended was read a third time at length and passed.

Yeas, 18; nays, 1.

Yeas:

Messrs:

Barbour	Gunn	Miller	Reid
Blackmon	Hamburger	Moody	Reynolds
Forrester	Hamner	McWhorter	Strother
Gardner	Hayes	Overton	Thomas
Glenn	Merritt		

—18.

—1.

#### ADJOURNMENT.

At 10:40 p. m., on motion of Mr. Reid the Senate adjourned until Thursday, the 28th day of February, 1907, at 10 o'clock a. m.

